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BUFFALO POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

Effective: 01/25/2019	Reevaluation Date: JANUARY 2024

1-1 ADMINISTRATIVE FORFEITURE

1-1-1 PURPOSE

This policy is enacted in order to provide for accountability, responsibility, and integrity within the administrative forfeiture system.

1-1-2 POLICY

It shall be the policy of the Buffalo Police Department that all employees of the agency, all employees assigned to another law enforcement agency's task force and all employees assigned from an outside law enforcement agency to a task force in which this agency serves as the fiscal agent, shall follow all state and federal laws pertaining to the processing of property seized for forfeiture. Training will be provided by the employing law enforcement agency in consultation with the prosecuting authority to officers who may exercise the use of administrative forfeiture in the performance of their assigned duties. Such training to be conducted whenever the agency policy is changed or modified based upon administrative directives, legislative statutes changes and/or relative court decisions. Training may include but not limited to agency policy, directives, electronic or traditional classroom education.

1-1-3 PROCEDURES

1-1-4 PROPERTY SUBJECT TO ADMINISTRATIVE FORFEITURE

The following property may be seized and is presumed under MN Statute 609.5314 to be subject to administrative forfeiture if the item has a retail value of $50,000.00 or less:

- All money, precious metals and precious stones found in proximity to: Controlled substances; forfeitable drug manufacturing or distributing equipment or devices; or forfeitable records of manufacture or distribution of controlled substances.
- All conveyance devices containing controlled substances with retail value of $100 or more if possession or sale of the controlled substance would be a felony under MN Statute Chapter 152.
- All firearms, ammunition and firearm accessories found: in a conveyance device used or intended for use to commit or facilitate the commission of a felony offense involving a controlled substance; on or in proximity to a person from whom a felony amount of controlled substance is seized; or on the premises

where a controlled substance is seized and in proximity to the controlled substance, if possession or sale of the controlled substance would be a felony under MN Statute Chapter 152.

**Seizure of property not listed above must be processed, reviewed and approved by a supervisor.

1-1-5 NOTICE OF SEIZURE

When any property as described in the above section is seized, the peace officer making the seizure must prepare the following:

- The proper Notice of Seizure and Intent to Forfeit Property form. This form must be completed to include the following: a list describing each item seized, the name of the individual served with the Notice, location, and the date of seizure. Administrative forfeiture notices are NOT to be given for assets seized under MN Statute 609.5314 if the retail value of the asset exceeds $50,000.00.
- A receipt for the item(s) seized.

The Notice form also contains information in English, Hmong, Somali and Spanish concerning the right to obtain judicial review and the procedure under MN Statute 609.5314 to follow to obtain it. The form must be dated and signed by the peace officer conducting the seizure. An agency case number must be included on the form. The individual from whom property is seized must be given an opportunity to sign the seizure notice form. If the person refuses, the peace officer conducting the seizure must check the appropriate box indicating the refusal to sign. If property is seized from multiple individuals, a separate seizure form will be completed for each individual. A copy of the seizure form must be given to the individual served.

All property subject to and being processed for forfeiture through the agency must be held in the custody of the agency.

The peace officer conducting the seizure shall forward the original and pink copy of the seizure notices, seized property processing worksheets, property receipts and reports to the Forfeiture/Seized Property Reviewer within 10 days of seizure.

The peace officer conducting the seizure shall inform the Forfeiture/Seized Property Reviewer of the estimated retail value of drugs found in proximity to the asset seized.

1-1-6 CASH

Peace officers shall not seize cash having an aggregate value less than $100, unless pre-recorded buy funds are included in the cash seized. Cash shall be recounted and the amount verified by another employee of the Agency. The property bag and/or inventory receipt shall then be co-signed when cash is involved.

All forfeitable cash seized will be turned over to the Forfeiture/Seized Property Reviewer or property/evidence room as soon as practicably possible after the seizure.

Prior to deposit with the Forfeiture/Seized Property Reviewer, peace officers shall examine all cash seized to determine whether it contains any buy funds. Peace officers shall document the recovery of all buy funds and deposit those funds with the Forfeiture/Seized Property Reviewer to be returned to the appropriate unit's buy fund account.

Peace officers seizing cash shall also prepare a property inventory. If cash is seized from multiple individuals, a property inventory receipt will be completed for each individual. The property inventory receipt shall specify the total amount of cash seized from each individual. The agency property inventory shall also contain a detailed description of all checks, money orders and/or travelers checks or other financial instruments.

The peace officer conducting the seizure shall provide a copy of the completed property inventory receipt to the Forfeiture/Seized Property Reviewer.

It is the seizing peace officer's responsibility to secure the cash consistent with the agency policy or procedure.

1-1-7 JEWELRY/PRECIOUS METALS/PRECIOUS STONES

Peace officers seizing jewelry, precious metals and/or precious stones will write a detailed description of each item on the property inventory receipt prior to inventorying the items. A copy of the property inventory receipt and any photographs of the jewelry, precious metals and/or precious stones shall be delivered to the Forfeiture/Seized Property Reviewer.

Peace officers seizing jewelry, precious metals and/or precious stones shall deliver those items to the property/evidence room as soon as practicably possible.

1-1-8 CONVEYANCE DEVICE

Upon seizure for forfeiture, all conveyance devices shall immediately be either taken to a secure designated area or to an agency approved impound facility.

Peace officers shall inventory the conveyance device and its contents in accordance with agency policy. Peace officers shall also complete applicable report forms and distribute them appropriately.

1-1-9 FIREARMS/AMMUNITION/FIREARM ACCESSORIES

When firearms, ammunition or firearms accessories are seized, they shall be inventoried and delivered to the property/evidence room as per agency policy/procedure.

1-1-10 CASE FILE STATUS

If there is a change in case file status, the Forfeiture/Seized Property Reviewer shall notify a supervisor as to the change.

1-1-11 REPORT REQUIREMENT

Peace officers seizing property must complete a narrative report. All reports must include a description of the items seized, where the property was turned-in/inventoried, the name of the individual served, the date the seizure form was served, the name of the serving peace officer, and whether or not the individual signed the Notice of Seizure and Intent to Forfeit Property form.

All reports dealing with seized property will be completed within 24 hours of the seizure when practically possible.

1-1-12 DEFINITIONS

Cash: money in the form of bills or coins, traveler's checks, money orders, checks or other forms of electronic money or stored value cards, including but not limited to gift cards, debit cards, gift cards/certificates or other negotiable financial instruments.

Conveyance Device: a device used for transportation and includes but is not limited to a motor vehicle, trailer, snowmobile, airplane or vessel and any equipment attached to it. The term "conveyance device" does not include property, which is, in fact, itself stolen or taken in violation of the law.

Firearms/ammunition/firearm accessories: a device that projects either single or multiple projectiles at high velocity. Ammunition is a term meaning the assembly of a projectile and its propellant. Accessories include but are not limited to holsters, gun cases, fire arm optics, suppression devices, cleaning supplies, etc.

Forfeiture: the process by which legal ownership of an asset is transferred to a government or other authority.

Jewelry/Precious Metals/Precious Stones: The term "precious metals/precious stones" includes items of jewelry such as rings, necklaces and watches that reasonably appear to be made of precious metals or precious stones. Precious metals include but are not limited to gold, silver, platinum, iridium and palladium. Precious stones, often referred to as gemstones, include but are not limited to diamonds, emeralds and rubies.

Forfeiture/Seized Property Reviewer: an Agency employee responsible for reviewing all forfeiture cases and is the liaison between the Agency and prosecutor's office.

Seizure: the act of law enforcement officials taking property, including cash, vehicles, etc. that has been used in connection with or acquired by illegal activities.

Effective: 01/25/2019	Reevaluation Date: JANUARY 2024

1-2 AGENCY JURISDICTION AND MUTUAL AID

1-2-1 PURPOSE

This policy is enacted to define jurisdictional areas and provide clear emergency procedures for requesting aid from external agencies.

1-2-2 POLICY

It is the policy of this agency to ensure understanding among its members of jurisdictional limits, both geographical and pursuant to law or agreement, and to clearly outline procedures for the orderly transfer of people and resources under mutual aid agreements and during general emergency conditions requiring federal assistance.

1-2-3 PROCEDURES

1-2-4 GEOGRAPHICAL BOUNDARIES

The Buffalo Police Department will limit routine enforcement of laws and overall exercise of police authority to those areas within the corporate limits of the City of Buffalo.

A detailed official city map outlining city boundaries will be kept in each squad car and be readily available to Communications Center personnel.

Buffalo Police may exercise police powers outside the corporate limits when operating under the State Powers and Duties Act or when responding to a mutual aid request from another community with an existing joint powers/mutual aid agreement with the City of Buffalo.

1-2-5 MUTUAL AID AGREEMENT

The City of Buffalo has a mutual aid agreement with Wright County. The agreement specifies procedures necessary to quickly and efficiently obtain or dispatch augmenting resources during an emergency. (See mutual aid agreement on file in the Chief's Office.)

1-2-6 REQUEST FOR EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE

Federal law enforcement agencies may be contacted during an emergency situation with the approval of the Chief of Police. A complete telephone number listing for these agencies is available with the Central Communication Center (Wright County).

1-2-7 REQUESTS FOR EMERGENCY NATIONAL GUARD ASSISTANCE

When a natural disaster, civil disorder or other requirement for assistance to civil law enforcement occurs that is beyond the capability of Buffalo authorities to contain, military assistance from the National Guard of Minnesota may be requested through the following procedures:

A. The Mayor will coordinate the request with the Wright County Sheriff. The Sheriff will submit the request to the Governor, Deputy Chief of Staff, or in the event they are not available, the Adjutant General. Only the Governor has final authority to approve the request. The request may be made verbally and must be followed by a written request signed by local officials (i.e. - the Mayor and Sheriff).
B. The official making the request should be prepared to brief the Governor on:
    1. The nature of the emergency;
    2. The availability and use of local resources (including all resources available through mutual aid agreements);
    3. The amount and type of assistance required; and
    4. The name and location of the local official in charge.
C. The Adjutant General assigns a liaison officer to contact local authorities, recommend amount and type of assistance required, and to coordinate support activities between local officials and the senior military commander.

1-2-8 MINIMUM PROVISIONS OF MUTUAL AID AGREEMENTS

Minnesota legislation on Joint Exercise of Powers (MS 471.59) authorizes the general provisions of mutual aid agreements between governmental units.

Radio communications during situations involving mutual aid will ordinarily be handled over the regular Wright County Frequencies. In the event that communication is necessary with units that are not equipped with these frequencies, units will utilize a radio channel that is determined by Wright County Communications.

1-2-9 USE OF PERSONNEL UNDER MUTUAL AID

City mutual aid agreements authorize use of outside personnel during emergency situations. The number of personnel and amount of aid tendered is at the discretion of the governmental unit providing assistance. Assisting personnel remain under the control of their own agency.

Outside personnel may be used to assist in all aspects of law enforcement as required by department supervisors, including:

A. Mass processing and physical removal from the site of arrestees.
B. Operation of temporary detention facilities.
C. Large scale transportation of prisoners will be handled with department equipment and vehicles available through mutual aid agreements. Buses are available, possibly through local vendors, if required.

Use of outside personnel is terminated with the end of the emergency (as determined by city officials) or at any other time at the direction of the governmental unit providing the assistance.

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1-3 COMPUTER SYSTEMS

1-3-1 PURPOSE

The State Crime Information System and National Crime Information Center (NCIC) provide essential information to aid investigations, apprehension of wanted persons, and recovery of stolen property. This information, coupled with systematic coordination of efforts, is vital to making the Buffalo Police Department effective, responsive and efficient.

The Department must actively participate with criminal justice information systems to maximize protection of officers, and use the data to find and arrest wanted persons and recover stolen property.

1-3-2 POLICY

The Buffalo Police Department facilitates the exchange of information with other local, state and federal law enforcement agencies to best serve this community. The Department uses criminal justice information systems to increase police efficiency and effectiveness.

1-3-3 PROCEDURES

1-3-4 STATE CRIME INFORMATION SYSTEM

The Minnesota Law Enforcement Information System is a statewide computerized information system for law enforcement agencies. The system interfaces the National Crime Information Center (NCIC) and the National Law Enforcement Telecommunications System (NLETS). Follow rules and regulations and operating procedures, per user agreement to use the systems.

All personnel accessing records through the State Crime Information system are required to be trained in the use and operations of these systems. Use and operation of these systems is for legitimate law enforcement purposes only. Any unauthorized use or misuse of these systems will be considered a violation of this section.

1-3-5 INFORMATION SYSTEMS COORDINATOR

The Chief of Police or designee is the agency coordinator for the Police Department. The agency coordinator serves as liaison with the state administrator on routine information system matters. The agency coordinator also:

- ensures training of personnel on information system capabilities, procedures, regulations and policies
- ensures the Department follows information systems regulations and policies;
- provides input to the state administrator about problems and ideas for improvement and changes
- ensures proper updating of State Crime Information System reference and operating manuals

1-3-6 INFORMATION SYSTEM FILES

The Police Department maintains files of entries made into the State Crime Information System and Type III Messages. The Chief of Police or designee ensures these files are reviewed as required by rules and regulations for proper updating and purging of data.

1-3-7 STATE CRIME INFORMATION SYSTEM OPERATIONS

1-3-8 ENTERING WANTED PERSONS, MISSING PERSONS, AND STOLEN ARTICLES

- All Warrant Entries are completed by Wright County Dispatch.
- An officer investigating a missing person complaint will complete a Missing Person Report and Wright County Dispatch will complete the Missing Person entry.
- An officer requesting a stolen article entry will obtain information necessary for entry and provide the information to Wright County Dispatch for entry.

1-3-9 CANCELLING STATE LAW ENFORCEMENT DATA ENTRIES

Officers will request Wright County Dispatch to cancel entries of wanted persons, missing persons, and articles when appropriate. Officers will complete documentation sufficient to show cause for the cancellation request.

1-3-10 NATIONAL CRIME INFORMATION CENTER (NCIC)

The Police Department maintains access to the National Crime Information Center, a nationwide computerized information system established as a service to all criminal justice agencies. The NCIC System interfaces with the State Crime Information System and is accessed automatically. All authorized Police Department staff will follow NCIC rules, regulations and operating procedures detailed in the current edition of the state operating manual when using the NCIC system.

1-3-11 CRIMINAL HISTORY INQUIRIES

Police personnel requesting CCH information will make their request to Wright County Dispatch or Buffalo Police clerical personnel, if available.

Hard copies of a CCH are to be shredded immediately upon completion of their use. No CCH is to be maintained in a police case file or an investigator's copy file.

When requesting a CCH, personnel making the request will indicate the reason for the request and the related case or incident number.

When requesting a CCH for another agency, the requesting agency's ORI is to be used.

1-3-12 CJIS AND NCIC FILE VALIDATIONS

In an effort to maintain the accuracy and the completeness of the records, each agency will receive a validation report showing when the record was entered and the information contained in the record. It is important to ensure that the records entered are accurate and timely. Dissemination of incorrect data and the subsequent decisions made in reliance on this data can have dire consequences for the inquiring and the originating agencies. (A potential lawsuit resulting from a false arrest, dismissal of a case for lack of accurate evidence, etc.)

It is important that the following steps are followed when making computer entries:

A. Query the appropriate CJIS/NCIC file to determine if the record is still in the file since the validation report was run. If the record has been canceled, check the "Hot Files" to determine if the report has been pulled and properly re-filed.

B. Check the case file to see if the property is still stolen or the person is still missing. If the case shows the property recovered, or the missing person returned, cancel the record. Check the data in the record with the case file (information that is available must be entered if possible). Modify to correct errors.

C. For active records contact the original complainant on property.
    1. If the complainant indicates property recovered, missing person returned, cancel the record.
    2. If the complainant indicates the record contains inaccurate information, modify to correct errors.

3. If the complainant reports the record is still active, the validation process is complete.

After an originating agency has completed the validation process for a CJIS and/or NCIC file, personnel will submit information to the BCA to certify that the originating agency's records which remain on file are active and up-to-date. Validation takes place 60-90 days from the date of entry and yearly thereafter.

1-3-13 HOT FILE ENTRIES

Entries of stolen property will be done using the method required. A check of all the appropriate sources shall be performed and documented in the case file.

1-3-14 RECOVERED PROPERTY

When an item has been recovered and placed into our property room, the dispatcher will be notified if the item has a serial number or an owner-applied number. That item will be entered by the dispatcher as a recovered article. When the article is no longer in our property room, the record must be canceled. Attach a printout of entries and cancellations to the case file. Query after entry and after cancellation.

1-3-15 CANCELLATIONS

When confirming a hit and/or when canceling a record for any reason, the original report must be located and used. If one of our stolen items has been recovered by this agency or another agency and we are notified, cancel the vehicle, person or property immediately. Always query the record to make sure that it has been canceled in both MINCIS and NCIC.

1-3-16 FILING

Reports that have active MINCIS and/or NCIC entries are to be filed in the Records Area in the HOT FILES filing cabinet, and are to remain there until the item(s) are canceled from the computer. At that time the report will be transferred to the main file.

1-3-17 HIT CONFIRMATION

To confirm a "hit", personnel inquiring must verify that the person or article described in the original report is still outstanding, and the subject inquired upon is identical to the subject described in the record.

1-3-18 SYSTEM SECURITY

Hot file and criminal history information may be obtained for official criminal justice purposes. Information derived from CJIS/NCIC is confidential information and is accessible only to

authorized criminal justice agencies. No staff member or employee of the Buffalo Police Department may access these resources at any time, unless they have been properly trained and certified.

A. User Authorization

All agencies accessing CJIS/NCIC directly through a terminal must have a valid Originating Agency Identifier (ORI). All Minnesota criminal justice agencies accessing CJIS/NCIC must have a signed user agreement with the BCA as the Control Terminal Agency for the State of Minnesota. The user's agreement requires the local agency to enforce NCIC standards of system security.

It is the policy of the BCA that all criminal justice personnel who will be accessing CJIS information through the CJDN have a criminal history background check performed to determine suitability for employment and access to CJIS data. State and national fingerprint based background checks must be conducted within 30 days upon initial employment or reassignment for all personnel, including appropriate Information Technology personnel, having access to BCA/CJIS and FBI/CJIS systems. CJDN operators shall be trained and certified within six months of hire or assignment.

B. Physical Security

All CJDN terminals must be afforded proper security. This includes:

1. Computer sites must have adequate physical security to protect against unauthorized access.
2. All visitors to terminal areas must be accompanied by staff personnel at all times.
3. Access to authorized areas is restricted to the minimum number of employees needed to complete the work
4. Support personnel, contractors and custodial workers who access computer terminal areas shall be subject to a state of residency and national fingerprint-based record check, unless these individuals are escorted by authorized personnel at all times.

C. CJDN Security Awareness Policy

This document shall be considered the official CJDN Security Policy for Buffalo Police Department regarding the physical and personnel security of the CJDN system. All staff must follow the policies contained herein. This will assure proper usage of the system and adherence to all local, state and federal regulations that govern the use of the MNJIS computer system. The Terminal Agency Coordinator (TAC) for Buffalo Police Department is Kelly Prestidge. The TAC manages the operation of the CJDN terminal on a local agency level and is responsible for ensuring that all state and local policies are enforced regarding the use of the CJDN terminal.

Access to CJDN System

Access to the CJDN shall be limited to employees who have been certified by the BCA to operate the terminal. Currently at Buffalo Police Department this is limited to police officers, TAC and records personnel. All other personnel of Buffalo Police Department must make their Criminal Justice inquiries through their CJDN operators.

Staff having access to the CJDN system must meet the following requirements:

1) Be an employee of Buffalo Police Department.
2) Successfully pass a State and National fingerprint background check.
3) Be trained and certified within six months of hire and biennially thereafter.
4) Complete Basic Security Awareness Training within six months of hire or assignment and biennially thereafter.

New employees of the Buffalo Police Department shall be fingerprinted within 30 days of employment or assignment and the fingerprint cards shall be sent to the BCA for a background check. A potential new employee of the Buffalo Police Department shall have a background check completed before they are hired. When running the criminal history on that person, the Purpose Code of "J" shall be used.

The FBI fingerprint-based background check results letters on CJDN operators, appropriate IT personnel and other agency personnel having unescorted access to the terminals are to be kept on file and available upon request during an audit.

The TAC will issue a unique username and password to authorized users with access to the CJDN and Portal 100. Authorized users will be given a unique password to have access to criminal histories. That Criminal History Password will be changed by the TAC at least every 2 years. A list of these assigned passwords shall be kept by the TAC in a locked cabinet.

Training of Sworn Officers

NCIC requires that all sworn personnel must receive basic, formal MNJIS/NCIC training within the first 12 months of hire, and annual refreshers thereafter. All training of sworn officers must be documented. A sworn officer includes any licensed peace officer, whether employed at the city, county, state of federal level.

Buffalo Police Department will meet this requirement by having all officers watch the BCA's recording training for MDT/MDC officers. The training is fifteen minutes

long and will be viewed annually by sworn personnel. The Chief will provide the TAC with the required documentation for her records.

Security of Terminal

The CJDN terminal(s) and Criminal Justice Information for Buffalo Police Department are maintained in a secure area. Only authorized personnel who have passed a State and National fingerprint background check are allowed unescorted access to the secure areas.

All personnel who have direct responsibility to configure and maintain computer systems and networks with direct access to FBI CJIS systems must successfully pass a fingerprint based background check.

Criminal History responses, as well as all other CJDN printouts will be destroyed when no longer needed. These documents will be shredded at Buffalo Police Department.

1-3-19 PROBATION NOTIFICATION SYSTEM

The Buffalo Police Department records management system provided by the Law Enforcement Technology Group, has been configured to automatically query adult probation records. These automated queries will occur on each occasion when a CJIS query is initiated through Zuercher Mobile or RMS, and any time a name entry is added to the RMS system by an end user. These responses can be placed into two separate categories; Query Responses, and Involvement Responses.

A. Query Responses

When an officer receives a query response, they will be notified that the person is on probation, along with information pertaining to the reason for the probation, as well as contact information for the probation agent. Because the database containing this information will not be updated in real-time, it may be out of date at the time the response is reported to the officer. Query responses should be considered pertinent information, but should not be relied upon to make an arrest for a probation violation, without confirming the probation status directly through the Statewide Supervision System (S3), Odyssey, the probation agent, or another appropriate confirmation process.

Though the response information should not be relied upon for the purpose of making an arrest, the existence of a record in this system indicates that at a minimum, the

person was on probation for the purpose indicated at one time, and most likely, very recently. Accordingly, it is reasonable for officers to consider this information as it relates to their investigative efforts. If probation information is considered and used for this purpose, officers should articulate this in their investigative report.

B. Involvement Responses

When an officer makes an entry into the Master Name Index (MNI) of RMS, they may receive an affirmative notification that the person entered into MNI is on probation. Upon receipt of this notice, the officer will be prompted to choose whether or not to submit a notification message to the probation agent assigned to the person, that our agency has had contact with them.

It is the policy of this agency that we will submit a notification to the probation agent for all affirmative involvement response notifications, unless there is a specific reason not to submit the notification. Notifications should be sent for all law enforcement contacts, including minor incidents such as animal complaints, noise complaints, traffic stops, etc. Examples of when a notification response would not be sent would include:

1. When the person is the victim of a CSC
2. When the person is a Confidential Informant
3. When the person is the subject of an investigation, where operational security is critical
4. When there is reason to believe that notifying the probation agent will result in the investigation being compromised in some manner.

The above list is not considered to be all-inclusive, and it is conceivable that there could be other legitimate reasons for not making a probation notification. If officers choose not to submit a probation notification after receiving an affirmative response, officers must include this information in officer narrative report.

C. Confirmation Through S3

For purposes of probation notification, it is not necessary to confirm the probationary status of the person through S3 (or other means) prior to making a notification to the probation agent.

D. Probation Agent Response

Probation agents have been informed that they are not to take any action upon our notifications, or to make contact with the subject of these notifications, without prior approval or authorization by our agency. They will be instructed to contact us first, and

that that time, we can assess whether or not it would be appropriate for them to make contact with the probationer.

If a probation agent contacts our agency, inquiring as to whether or not they can contact the probationer identified in a notification, the inquiry should be forwarded to the original officer for determination. If the original officer is unavailable and the probation agent requires an expedited response, the inquiry should be forwarded to a supervisor for a determination.

BUFFALO POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

Effective: 01/25/2019	Reevaluation Date: JANUARY 2024

1-4 DOMESTIC ABUSE AND RELATED RECORDS

1-4-1 PURPOSE

Under Minnesota Statute 629.341.1 arrest data, request for service data, and response or incident data in alleged domestic assault cases or an alleged violation of an order for protection, must be released to domestic abuse service providers designated by the Office of Justice Programs in the Department of Public Safety or the commissioner of corrections that are providing services to victims of domestic abuse. Statute requires that the reports must be released upon request, at no charge, to any service provider.

1-4-2 POLICY

In an effort to provide for orderly and early intervention in cases of domestic abuse, alleged cases of domestic abuse, or other domestic related offenses, the Buffalo Police Department will provide relevant case data to service providers designated by the Office of Justice Programs and as outlined in this policy.

1-4-3 PROCEDURES

1-4-4 DEPARTMENT RESPONSE

Officers responding to incidents involving domestic abuse or alleged domestic abuse as defined in section PO 3-6, Domestic Disputes, will respond as outlined in policy. Officers will provide a victim services notice as required by policy and state law.

1-4-5 RELEASE OF DATA

Any service provider designated by the Office of Justice Programs may request a copy of any and all reports pertaining to any alleged domestic abuse situation, or any other domestic related offense, through the appropriate prosecuting attorney as designated by the Buffalo Police Department, or through any other means as directed by the legislature or appropriate authority.

1-4-6 INCIDENTS INVOLVING POTENTIAL DANGER TO A VICTIM

If an officer responds to a report of domestic abuse, alleged domestic abuse, or any other domestic related offense, and the officer believes the victim may be in danger either directly or indirectly from the subject of the report, or if the officer makes an arrest as a result of the incident, the officer will, upon request, provide notification to any departmentally designated domestic abuse service provider as soon as practical following the incident of the following information:

A. The officer's name, badge number and department;
B. The victim's name, address, home phone number, work or next day phone number;
C. The assailant's name and relationship to the victim;
D. Whether or not the assailant was jailed and what the charge was;
E. A brief summary of the domestic abuse
F. A copy of, or a summary of the information contained within the DAW

1-4-7 INCIDENTS INVOLVING NO APPARENT DANGER TO A VICTIM

If an officer responds to a report of domestic abuse or alleged domestic abuse where there is no apparent continuing danger to the victim, and no arrest of the subject of the complaint occurs, the officer will complete a written report on the incident.

If after an administrative review of an incident, the incident is determined to be a domestic related offense, the department will, upon request, notify any departmentally designated domestic abuse service provider of the information as outlined in this policy. This notification will take place as soon as practical on the business day immediately following the incident.

1-4-8 AUTHORITY TO RELEASE DATA

Any officer may release data to any departmentally designated domestic abuse service provider as outlined in this policy. Any and all other requests for release of data must be completed pursuant to AO 1-15.

1-4-9 DEFINITIONS

Domestic Abuse means the following, if committed against a family or household member by a family or household member:

A. Physical harm, bodily injury, or assault;
B. The infliction of fear of imminent physical harm, bodily injury or assault
C. Terroristic threats, within the meaning of section 609.713.1, or criminal sexual conduct within the meaning of section 609.342, 609.343, 609.344, or 609.345.
(Reference MSS 518B.01)

Family or household member means:

A. Spouses or former spouses;
B. Parents and children;
C. Persons related by blood;
D. Persons who are presently residing together or who have resided together in the past;
E. Persons who have a child in common regardless of whether they have been married or have lived together at any time;
F. A man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and
G. Persons involved in a significant romantic or sexual relationship.

(Reference MSS 518B.01)

1-4-10 OTHER DOMESTIC RELATED OFFENSES

Other domestic related offenses may include, but are not limited to the following:

A. Interference with 911 Calls
B. Harassment or Stalking
C. Violation of an Ex-parte or an OFP
D. Criminal Damage to Property
E. Arson
F. Burglary

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1-5 EMERGENCY OPERATIONS

1-5-1 PURPOSE

This policy outlines the agency approach to large scale emergency situations by establishing planning responsibility and specific planning requirements.

1-5-2 POLICY

It is the policy of this department to prepare for the emergency conditions resulting from large civil disturbances and both natural and human cause disasters. While planning for all specific situations is impossible, it is imperative to develop the administrative and operational framework required for effective response to an event likely to create high public visibility, significant public safety risk and/or alarm.

1-5-3 PROCEDURES

1-5-4 EMERGENCY OPERATIONS PLANNER

Planning for response to unusual occurrences is the responsibility of the Chief of Police, in the Chief's capacity as City Emergency Management Coordinator. The Coordinator serves as principal advisor to the Mayor on planning and responding to emergency situations and will coordinate all aspects of this plan.

1-5-5 EMERGENCY OPERATIONS NOTICE

In event of an emergency, notify the Chief of Police immediately. The Chief provides instructions for implementation of agency tactical plans.

1-5-6 OPERATIONAL READINESS OF EQUIPMENT

The Emergency Preparedness Manual lists equipment to support emergency operations, plus the location and quantities of each item. The Chief of Police is responsible for operational readiness of Departmental equipment, including monthly inspections, maintenance and replacement as necessary.

1-5-7 EMERGENCY OPERATION MANUALS

A copy of the Emergency Operations Plan is on file in the Chief of Police's Office and is reviewed and updated annually by the Emergency Management Director. The Emergency Operations Plan contains referral worksheets that list orders, equipment, internal and external resources, EOC needs, communication capability, security measures, intelligence matters, media relations and onsite operations.

Upon activation of the Emergency Operations Plan, actions taken will be documented by the Emergency Management Director and staff. Within one week following activation of the Emergency Operations Plan, all involved agency members will meet with the Emergency Management Director, or designee, for a debriefing/critique of the event.

Refer to the City of Buffalo, Emergency Operations Plan, for provisions for:

- Communications
- Command Posts (Field)
- Casualty Information
- Community Relations/Public Information Other Law Enforcement Agency
- Military Support
- Public Facility Security
- Traffic Control
- Equipment Requirements
- De-escalation Procedures
- Rumor Control
- Availability for Command
- Post Occurrence Duties
- After Action Reports
- Transportation

1-5-8 COMMAND AND CONTROL

The Chief of Police exercises command and control over law enforcement personnel and equipment assigned to an emergency operation in the City.

1-5-9 PREVENTIVE ACTIONS FOR EMERGENCIES

The Chief of Police shall study current ordinances and laws regarding emergency restrictions (i.e., restrictions on access to affected areas, curfew, liquor sales, etc.) and make recommendations for legislative needs to permit responsive and preventive law enforcement actions during emergency operations.

1-5-10 SITUATION MAPS

Situation maps are located at the police department. Additional portable maps are available for briefing the press and can be transported to the Council Chambers. Updating of maps is the responsibility of the Emergency Management Coordinator.

1-5-11 PLAN FOR CIVIL DISTURBANCES

The agency plan for covering civil disturbances is incorporated in AO 1-6.

Legal consideration shall be referred to the City Attorney for non-criminal matters and to the City Prosecutor for criminal matters.

Juvenile offenders shall be processed according to the Specific Incident Plan, Mass Arrest, and Juvenile Operations.

Within the Emergency Operations Plan, the Buffalo Police Department has provisions for responding to civil disturbances and includes provisions for:

- Communications
- Field Command Posts
- Casualty Information
- Court and Prosecutorial Liaison
- Community Relations/Public Information (media briefings)
- General Liaison (with other agencies)
- Legal Considerations
- Other Law Enforcement Agency Support
- Military Support (martial law)
- Public Facility Security
- Traffic control
- Juvenile Offenders
- Equipment requirements
- De-escalation Procedures
- Rumor Control
- Availability for Command (order of precedence)

1-5-12 POLICE MISSION AT CIVIL EMERGENCIES

Our mission during civil emergencies is to re-establish control of an illegally assembled and unruly group of persons when they fail or refuse to follow lawful orders and engage in conduct which creates a clear and present danger to public safety.

1-5-13 RESPONSIBILITIES AT CIVIL EMERGENCIES

A. Primary Tasks - Our primary tasks are:
   - maintaining law and order;
   - controlling movement of traffic in and around affected area;
   - protecting important community installations; and
   - keeping the general public aware of the problem area.

B. Secondary Tasks - Secondary tasks may include:
   - firefighting;
   - medical care and rescue;
   - clearance of debris; and
   - sanitation and refuse disposal.

1-5-14 NATURAL AND HUMAN CAUSE DISASTERS

1-5-15 RESPONSE TO DISASTERS

Natural and human cause disasters include tornadoes, earthquakes, floods, hurricanes, airplane crashes, hazardous material spills, nuclear disaster, attack on the United States, or other similar circumstances. The Emergency Preparedness Manual details plans for these occurrences.

1-5-16 POLICE MISSION AT DISASTERS

Our agency mission during natural and human cause disasters is to respond and evaluate circumstances which create a clear and present danger to public safety.

1-5-17 RESPONSIBILITIES AT DISASTERS

A. Primary Tasks - Depending on conditions and circumstances, our primary tasks are:
   - contain the area;
   - control movement of traffic in and around affected area;
   - protect property;
   - warn the general public; and
   - help the public to shelters or with crisis relocation.

B. Secondary Tasks - Secondary tasks may include:
   - firefighting;
   - medical care and rescue;
   - clearance of debris; and
   - sanitation and refuse disposal.

1-5-18 HAZARDOUS MATERIAL CONTROL

The Emergency Preparedness Manual details emergency contingency plans for hazardous materials control and removal.

Primary Duties - Primary duties include: identification of materials, containment and protection of the scene, possible need for evacuation of the immediate area, and requesting proper help.

Roadway Hazards - Promptly deal with hazardous materials on or near a roadway.

- be able to recognize real or potentially dangerous material or chemical spills;
- determine type and amount of materials and possible effects;
- notify officer supervisor and request help as necessary to take control of the area;
- evacuate the area if necessary;
- avoid contact with or inhalation of gases, fumes and smoke; and
- get information and aid as necessary from the Minnesota Duty Officer.
-

1-5-19 EMERGENCY MOBILIZATION PLAN

The Emergency Preparedness Manual details emergency contingency plans for mobilization of personnel. All Police Department employees shall consider themselves on alert during circumstances calling for emergency operations.

The Police Department's role in the Emergency operations Plan includes provisions for:

- Communications
- Alert Stages
- Primary and Alternate Assembly Areas
- Equipment Distribution
- Special Task Force Activation
- Key Personnel Designations
- Transportation Requirements
- Management Control Measures
- Rehearsals

1-5-20 RESPONSIBILITY FOR MOBILIZATION PLAN

The Chief of Police may mobilize or place employees of the Police Department on standby.

1-5-21 CONTACT WITH MOBILIZED FORCE

Make contact by the most expeditious and available means. Standby status employees must stay in radio or telephone contact for updates of alert stages. Sworn employees shall respond in uniform unless otherwise directed. Mobilization alert stages are:

A. One Hour Status - Must be able to respond to location within one hour.
B. Five Hour Status - Must be able to respond to location within three to five hours.

1-5-22 CIVIL DEFENSE

The Chief of Police maintains liaison with civil defense authorities and coordinates contingency plans with other affected agencies.

1-5-23 AID PLAN PURSUANT TO MUTUAL AID AGREEMENTS

Buffalo is a signatory to several mutual aid agreements within Wright County. These agreements provide for the provision of personnel and equipment in unusual circumstances.

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1-6 EMERGENCY RESPONSE

1-6-1 PURPOSE

High risk incidents of hostage-taking, barricaded persons, terrorist and paramilitary group activities, and other crisis situations present a perplexing problem for police agencies. These types of antisocial behavior compel us to develop special operational procedures to contain and handle such incidents.

1-6-2 POLICY

The Buffalo Police Department counters high risk incidents by using special operations methods to contain a situation, provide safety for all persons in the area, secure safe release of any hostages, and apprehend suspects.

1-6-3 PROCEDURES

1-6-4 COMMAND AND CONTROL AUTHORITY

The Buffalo Chief of Police/Emergency Management Coordinator will exercise command and control authority over all local civil law enforcement resources allocated to any disaster operation or civil disturbance within the City limits of Buffalo.

The command and control shall extend to resources provided by other agencies providing there is no conflict with existing mutual aid agreements.

In the event military resources are utilized, command and control of those resources will be coordinated with the military commander through the state liaison officer appointed by the Adjutant General's Office.

1-6-5 SPECIAL OPERATIONS PROCEDURES

The objectives of this department in dealing with these situations are to:

A. Secure safe release of hostages (when involved);
B. Minimize risk to uninvolved people and personnel;

C. Apprehend perpetrator(s) with the minimum amount of force necessary;
D. Secure available evidence to assist in the appropriate disposition of the perpetrator(s).

General Discussion:
The following procedure is presented as a guideline to use when initially confronted with a barricaded person/sniper/hostage situation. It is based on the premise that safety is paramount, and the application of force is to be considered as the last alternative within a range of possible resolutions.

It is impossible to set forth the exact procedures personnel should follow in every situation. It is, however, expected that they will exercise their best judgment in applying these guidelines to specific cases. It is possible that a given situation may not require the implementation of all the provisions which follow.

Specific Procedures:
Specific procedures for involved personnel to follow, upon determination that a situation exists or is reasonably believed to exist, is as follows:

1-6-6 ACTIONS OF THE FIRST RESPONSE OFFICER

A. Officers subjected to an attack should make personal safety their primary consideration. If not injured or incapacitated, they should remove themselves (and vehicles) from the immediate vicinity and take cover where they can observe the scene, utilizing vehicles, buildings, trees, etc.
B. The officer should then inform the dispatcher of the incident, giving the exact location of the incident, as well as the officer's position, and request a tactical team response via the Chief of Police.
C. The individual officer should not attempt to apprehend the perpetrator unless circumstances indicate apprehension can reasonably be made.
D. All non-uniform personnel shall advise the dispatcher when responding to the scene, and will report to the mobilization area for assignment.
E. Officers' actions should be directed toward sealing off the area from pedestrian and vehicular traffic and containment by establishment of an inner perimeter until relieved by the tactical unit or by responsible command personnel.
F. Officers should attempt to obtain as much intelligence information as possible, i.e., identity and description (physical and clothing) of perpetrator(s) and hostage(s) (where involved), location, evolution of the incident, and possible communications and physical access to the location.

G. Officers should attempt to hold anyone with firsthand knowledge about the persons.
H. Swiftly contain the area with an inner perimeter, isolating the suspect in as confined a space as possible. Do not use firearms or other weapons unless authorized by the officer-in-charge or in immediate defense of life.
I. Establish an outer perimeter, including an area surrounding the scene.
J. Allow only authorized personnel and equipment within and move endangered persons outside the perimeter.

1-6-7 ACTIVATION OF A TACTICAL UNIT

Tactical unit call-outs will be initiated under the following circumstances by the Chief of Police or designee for any situation described in the Policy section of this policy such as a Hostage Situation, Barricade Situation, or Sniper Situation, or any other situation as deemed necessary by the Chief of Police or designee to require an immediate activation of a tactical unit. Upon the decision to activate a Tactical Unit, the activating officer will contact dispatch and will request the activation of the team. The dispatcher will activate the appropriate team based on their appropriate call-out procedures.

1-6-8 ACTIONS OF THE PATROL SUPERVISOR/RANKING OFFICER:

A. The Supervisor/Ranking Officer will initiate a Tactical Team Call-Out.
B. The Supervisor/Ranking Officer will establish an information center to handle all queries from the public, news media and off-duty personnel.
C. The dispatcher, as soon as possible, should establish communication with the temporary mobilization point.
D. The Supervisor/Ranking Officer will oversee the gathering of intelligence.
E. The Supervisor/Ranking Officer will notify the Chief of Police.

1-6-9 ACTIONS OF THE INCIDENT COMMANDER AT THE SCENE

A. The Incident Commander will respond to and assume control of the scene of the incident.
B . The Incident Commander will establish a secure inner perimeter and a secure outer (Patrol personnel) perimeter.
C. The Incident Commander will quickly establish a temporary mobilization point.
D. The Incident Commander will provide overall command, control and coordination of efforts by the Patrol and other support personnel.
E. Establish contact as necessary for support at the scene:
    1. State law enforcement agency;
    2. Other law enforcement agencies;
    3. Ambulance and hospital;
    4. Fire department;

5. Public utilities;
6. Telephone company;
7. Bomb disposal unit.

F. Establish a command post area away from view of suspect.
    1. Restrict the command post area to officers assigned post duties.
    2. Do not allow other officers, civilians, or press in the command post area.

1-6-10 SPECIFIC INCIDENTS

Decoy operations are normally handled by outside agencies as is bomb disposal. Bomb threats are handled primarily by the Buffalo Police Department, in conjunction with the Fire Department. Individual procedures are established for coverage of special events to include VIP protection. Coverage of disasters, civil disorders and civil defense emergencies are covered in the Emergency Operations Plan.

1-6-11 COORDINATION OF SPECIAL OPERATIONS

In order to alleviate potential misunderstanding, provide for safety of officers, and ensure successful operations, supervisors shall be informed of any special operation performed by this agency or performed by outside agencies with this agency's knowledge. The section developing or having knowledge of the special operation is responsible for this notification. Supervisors will use discretion in disseminating relative information so as not to jeopardize special operations.

1-6-12 BARRICADED SUBJECT PLANS

A barricaded person is an individual who law enforcement personnel reasonably believe resists arrest by using (or threatening the use of) firearms, other weapons, explosives, etc., or who refuses to surrender to police. Generally the barricaded person is behind cover. As used here, the barricaded person may or may not have taken a hostage or made a threat to their own life. The following are agency procedures for barricaded person situations.

The Supervisor/Officer in Charge will:

A. Respond to and assume command of the scene.
B. Establish command post.
C. Establish a chain of command.
D. Establish perimeters:
    1. Inner perimeter to contain and deny escape to suspects;
    2. Outer perimeter to limit access to the inner perimeter to authorized personnel only
E. Determine if a Tactical Team should be summoned; if it is deemed necessary, do so.
F. Notify the Chief of Police when appropriate.

G. Notify other appropriate personnel as needed.
H. When necessary and possible, evacuate bystanders and neighbors to a point where they are as safe as possible given the existing circumstances.
I. Summon appropriate ambulance, rescue, fire and/or surveillance equipment.
J. If possible, evacuate injured victims by use of appropriate ground or air ambulance.
K. Coordinate communications with other law enforcement agencies, the barricaded person and negotiation personnel.
L. Designate a person, or himself, to act as liaison for the news media, the news media will be strictly prohibited from going beyond the outer perimeter until after the suspect(s) are in custody and the scene is secured. Media will be prohibited from going further than the inner perimeter after the scene is secured without permission of the Chief of Police or his designee.

The Incident Commander, following consultation with the Tactical Team Leaders, and other command post personnel as required, will be responsible for authorizing the use of force or the delivery of chemical agents against the suspect.

1-6-13 HOSTAGE NEGOTIATION SELECTION

Selection criteria for Hostage Negotiators will be as follows:

A. Experience as a law enforcement officer in a field assignment;
B. Good verbal and problem-solving skills;
C. Psychological screening.

1-6-14 HOSTAGE SITUATION PLAN

When an officer reasonably believes that a hostage situation exists, he is to immediately contact the Chief of Police and inform him. The Chief of Police will respond and assume command.

The Chief of Police will accomplish the identical items contained in 55.2.8 A thru L. The Incident Commander, following consultation with the Tactical Negotiation Team Leaders and other command post personnel as required, will be responsible for authorizing the use of force or the delivery of chemical agents against the suspect.

Whenever possible, negotiations will be conducted by trained negotiators. Whoever negotiates will act within the following guidelines:

A. Negotiable Items:
    1. All physical comforts; water, heat, electricity, cigarettes, food, etc.

2. Contact with media pursuant to the express approval of the Supervisor in charge of the scene
3. Contact with family members or other persons pursuant to the express approval of the Supervisor in charge of the scene.

B. Non-Negotiable Items:
   1. Weapons will not be provided.
   2. Drugs will not be provided.
   3. Alcoholic beverages will not be provided.
   4. Hostages will not be exchanged.
   5. Police personnel will not be exchanged.
   6. The entry of unauthorized persons within the inner perimeter, without express approval of the Supervisor in charge of the scene.
   7. Promises of clemency or reduced criminal charges without the express approval of the Supervisor in charge of the scene.
   8. Promises involving the release of other prisoners.

C. Vehicle Use:
   Due to the inherent loss of optimum police control whenever suspect(s) are allowed to move via motor vehicle, the decision to supply them a vehicle and permission for them to move beyond the established inner perimeter rests solely with the Incident Commander. Should such movement be authorized, the following guidelines apply:
   Chase, Surveillance and Suspect Vehicles:
   1. If the vehicle supplied is a police vehicle, it should not be able to overhear any police radio traffic or surveillance vehicles. (This may require the disabling of the radio)
   2. The suspect vehicle should be marked in such a way that surveillance vehicles will have no doubt as to vehicle position (spray paint trunk lid, break tail lights, etc.)
   3. Decide on how much gasoline is to be supplied.
   4. The planning of an appropriate route and escorts, if any.

The primary consideration in a hostage negotiation situation is to contain the suspect and keep them talking without having the hostage(s) killed or injured.

In the event of a hostage situation, the special operations procedures will be followed as outlined in 55.2.1.

1-6-15 BOMB DISPOSAL OPERATION

The Buffalo Police Department does not perform explosive ordinance disposal. If a suspicious package is located, the Chief of Police will notify the appropriate agency to coordinate disposal of the package.

1-6-16 BOMB THREAT PLAN

Actions of officers responding to bomb threats/bomb search situations:

A. Handle as much communication as possible by telephone.
B. Proceed to locations as rapidly as is prudent, without red lights and siren.
C. Upon arrival, contact a person of authority, or if a reference name was given by the dispatcher, attempt to locate this person.
D. Upon making contact with the proper person, determine their attitude toward the incident and whether a search has been initiated. Remember, officers are there in AN ADVISORY CAPACITY, and all decisions regarding the safety of their property and employees must be made by them.
E. If a search has been started but not yet completed, advise them that officers will stand by until a satisfactory search has been completed.
F. If the search has been completed when officers arrive with negative results, seek out the person who received the phone call and attempt to determine:
    1. Identification of person receiving the call; name, date of birth, address, phone number, etc.
    2. Time call was received.
    3. Sex of caller.
    4. Estimated age of caller.
    5. Exact language used by caller.
    6. If the call was taped, request the tape for evidence.
    7. Any peculiar or identifiable accent of caller.
    8. Background noises such as jukebox music, vehicular traffic, other conversations, etc.
    9. Did the caller sound like anyone known to them.
G. If a search has not been started upon officer arrival, suggest that this be done immediately. Advise the person contacted that conducting the search of the premises is their responsibility and IT IS DEPARTMENTAL POLICY NOT TO ACTIVELY PARTICIPATE IN THE SEARCH OPERATION. If they have not been the victim of a bomb threat before, they may be completely disorganized and have no idea how to organize and conduct a search. If this is the case, be tactful and helpful. Make the following suggestions:
    1. Alert supervisory and custodial help to conduct the search.
    2. Deploy the searchers in a manner to cover the premises as quickly as possible.

3. A central location or command post should be established; an office with a telephone is recommended. The search teams should be aware of this location and phone number. Officers should stand by at the command post.
4. If the caller indicated the location of the bomb, advise that it be checked first.
5. If no location was indicated, suggest the following priorities:
    a. Rest rooms accessible to the public;
    b. Stairwells;
    c. Engineering spaces, including janitor's closets and lockers;
    d. Any other areas easily reached by the public;
    e. Areas normally occupied by employees are the least likely and therefore should be the last areas to be searched.

H. Because of this agency's policy on the lack of staff participation in the search process, it is best if those most familiar with the premises conduct the search with agency members maintaining a supervisory role, unless circumstances dictate their more active participation is necessary to successfully complete the search.

I. Any objects suspected of being a possible destructive device will result in the immediate notification of the appropriate Bomb Squad.

J. The only explosives that agency members are authorized to handle/transport will be under the following conditions:
    1. Recovery of small arms ammunition.
    2. Recovery of small quantities of fireworks, firecrackers, bottle rockets and other minor pyrotechnics.
    3. Small containers of flammable liquids.
    4. Military ordinance; extreme caution must be exercised, all military ordinance will be handled by the Bomb Squad.

    Examples of military ordinance are grenades, mortars and mortar rounds, artillery rounds, rocket rounds, etc.

K. Under no circumstances should officers or searchers attempt to handle or move a suspicious package or devices. The Bomb Squad, will be immediately notified of any incident involving possible explosives.

1-6-17 MASS ARREST PLAN

Provisions for mass arrest situations are contained in the Emergency Operations Plan. Alternatives to mass arrests will be encouraged whenever practical, but in those instances where mass arrest is necessary, procedures for the following are outlined in the Emergency Operations Plan:

- Processing (to include booking)
- Transportation

- Detention
- Evidence Collection
- Security
- Identification
- Interagency Agreements
- Defense Counsel Visits
- Court and Prosecutorial Liaison
- Media Relations/Public Information
- Food, Water and Sanitation
- Medical Treatment

1-6-18 DEFINITIONS

A. Hostage Situations: The holding of any person(s) against their will by an armed or potentially armed suspect.

B. Barricade Situations: The stand-off created by an armed or potentially armed suspect in any location, whether fortified or not, who is refusing to comply with police demands for surrender.

C. Sniper Situations: The firing upon citizens and/or police by an armed suspect, whether stationary or mobile.

D. High-Risk Apprehension: The arrest or apprehension of armed or potentially armed suspects where the likelihood of armed resistance is high.

E. High-Risk Warrant Service: The service of search or arrest warrants where the warrant service matrix recommends or requires the use of a tactical unit. See assessment matrix in Appendix 55.5-A.

F. Personal Protection: The security of special persons, such as VIP's, witnesses, or suspects, based on threat or potential threat to the well-being of those persons.

G. Temporary Mobilization Point: A location strategically located but isolated from direct contact with the actual situation. It will be used as a temporary base of operations for the supervisor or ranking officer in deploying personnel, setting up communications and generally managing the situation. Changing conditions or discovery of better facilities may cause a change of location. A situation may require

establishment of a more permanent command post with more complete facilities and amenities.

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1-7 FORENSICS

1-7-1 PURPOSE

To effectively solve crimes and prosecute offenders, staff of the Buffalo Police Department must seek forensic analysis from a crime laboratory. Procedures should provide for a smooth flow of evidence through the investigative, analytical and judicial processes, and continuity must be maintained.

Staff must account for physical evidence at every stage of its progress to maintain its validity. Investigative processes are enhanced by physical evidence being properly gathered at a crime scene and that evidence being translated into pertinent data related to the crime. Crime laboratories can provide qualitative, quantitative, and interpretive analyses of physical evidence taken into custody.

1-7-2 POLICY

The Buffalo Police Department ensures effective collection and preservation of crime scene evidence, proper and timely submissions of evidence for forensic analysis in a crime lab, and documentation of the chain of custody.

1-7-3 PROCEDURES

1-7-4 FORENSICS MANAGEMENT

1-7-5 SCENE PROCESSING AVAILABILITY

The Police Department ensures training of each officer to promptly collect, preserve and submit physical evidence for lab processing. The Chief of Police may call for a crime scene specialist from another jurisdiction, per agreement, for homicides and other violent crimes. Officers on duty, on call, and specialists of other agencies make processing continuously available.

1-7-6 AGENCY RELATIONSHIPS

The Chief of Police or assigned officer at the scene will coordinate and supervise investigation and collection of evidence.

1-7-7 SUBMITTING EVIDENCE TO FORENSIC LAB

1-7-8 RESPONSIBILITY FOR REQUESTING FORENSIC EXAMINATIONS

If officers collect evidence, officers are responsible for requesting laboratory examinations. Request a written analysis report from the crime lab on all evidence submitted.

1-7-9 ANALYSIS REQUEST

Request a crime lab analysis and preserve the chain of custody by adding the proper dates, times and signatures. Attach the original and one copy of the analysis request to the evidence officers submit to the crime lab.

NOTE: Do not place the analysis request <u>inside</u> evidence packaging.

1-7-10 SUBMISSION OF EVIDENCE

Officers will make the necessary arrangements to send packaged evidence to the crime lab for forensic examination.

1-7-11 SUBMITTING WET EVIDENCE AND FLUIDS

Evidence which is wet, or clothing contaminated with biological fluids, are submitted as follows:

A. **Drying Evidence** - Properly tag submitted evidence and arrange to have it placed in an area of the evidence room for drying.
B. **Trace Evidence** - Put paper on the floor under the evidence to catch any trace evidence.
C. **Attaching Request** - Affix the analysis request on the outside of the area where the evidence is drying.
D. **Submitting Evidence** - As soon as evidence is completely dry, the Department submits it to the lab or if the lab requests the evidence sooner.

1-7-12 DELAYING SUBMISSION

When the Department needs forensic examination of physical evidence, the property control officer promptly will make arrangements to have it sent to the crime lab. If officers submit evidence that the lab will not accept without known source materials for comparison, prepare and submit it by usual procedures. The property control officer will hold the evidence in the property area pending collection of comparison materials.

A. **Notice to Property** - Note on the analysis request that officers need to collect comparison materials before submission to the lab.
B. **Submitting Evidence** - As soon as officers submit comparison materials to property, the property control officer will forward evidence to the lab.
C. **Record of Delay** - The property control officer documents any delay by recording the date and time of property intake, plus date and time of submission.

1-7-13 PHYSICAL EVIDENCE CHAIN OF CUSTODY

The chain of custody over evidence is critical in ensuring the integrity of any property management system. Accordingly, appropriate documentation must be completed. Procedures for this process are included in Section 48.6 of this manual. Any evidence routing must be done in compliance with this Section, as well as Section 48.6.

1-7-14 TRANSFERRING PHYSICAL EVIDENCE

Document a written record on the original property form or analysis request when evidence is transferred to or from property control, the crime lab, court, or into the custody of another person. Record the following information:

A. Date and time of custody transfer;
B. Receiving person's name and position;
C. Reason for transfer; and
D. Name and location of property (lab, court, etc.).

1-7-15 RECORDING TRANSFERS TO THE LAB

Include the following information on each analysis request:

A. Name and signature of officer submitting evidence; and
B. Date and time evidence is submitted to the lab.

1-7-16 RECEIPT OF EVIDENCE IN THE LAB

Crime lab personnel record the following on analysis request:

A. Date and time of receipt in lab;
B. Name and signature of receiving lab personnel;
C. Date and time of return from the lab; and
D. Name and signature of transferring lab personnel.

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1-8 MEDIA RELATIONS

1-8-1 PURPOSE

The Buffalo Police Department has a duty to keep the public informed of matters about our community. The news media are an important link to establishing rapport and positive relationship with our public. The department makes every effort to establish a cooperative relationship based in mutual trust.

Simultaneously, we must stay aware of individual rights and our responsibility to disclose and report only proper information on pending criminal prosecution. Release of information balances the rights of a free press, the rights of victims, and the right of arrested persons to a fair trial.

1-8-2 POLICY

The Buffalo Police Department gives the public prompt and accurate information, with care to not violate confidentiality of propriety information and to not compromise the integrity of active investigations. We base our policy on openness and candor when dealing with media professionals.

1-8-3 PROCEDURES

1-8-4 PUBLIC INFORMATION MANAGEMENT

These guidelines provide instruction for proper dissemination of information to the public.

1-8-5 WORKING WITH THE NEWS MEDIA

The police department will inform the community through the news media of events within public domain that involve the department.

1-8-6 PERSONS AUTHORIZED TO RELEASE INFORMATION

The Chief of Police is the Public Information Officer (PIO) for this agency and will coordinate the release of media information. The Chief is responsible for authorizing all press releases and all

contacts with media representatives initiated by department members. The local media will be apprised that inquiries for information should be directed to the Chief of Police.

A. **Public Information Responsibility** - The Chief of Police makes timely news releases on subjects of importance.
B. **Scene of Incidents** - The officer in charge at an incident scene shall refer all news media to the Chief of Police or designee.
C. **Police Department Files** - The Chief of Police shall authorize release of information from departmental files.
D. **Active Investigation** - The officer in charge of an active investigation may confirm existence of the investigation and nature of allegations, but shall follow these guidelines for other information.
E. **Authorized Person is Not Available** - Do not speak for the police department but help the news media contact the proper departmental spokesperson or the Chief of Police.

1-8-7 RELEASING CRIMINAL CASE INFORMATION

Do not release detailed descriptions of suspects or monetary values and descriptions of evidence that could hinder an investigation.

1-8-8 RELEASING CRIMINAL SUSPECT INFORMATION

Do not release information that is legally protected, protects the accused person's constitutional rights, or safeguards police department confidential or active investigations.

A. **Prior Criminal History** - Do not release the character or reputation of accused, notations of prior arrests, or criminal charges not resulting in conviction. The Chief of Police or prosecuting attorney may make exceptions and release criminal history information. If the accused is not apprehended, they may release information to aid in arrest or to inform the public of potential danger.
B. **Mug Shots** - Officers may release mug shots only when a final conviction is recorded and when police identifying numbers are not visible.
C. **Statements or Refusals** - Do not release the content of confessions, admissions, statements or refusals.
D. **Examinations or Tests** - Do not release information on performance during an exam or test, submission to or refusal to take tests, or the results of tests.
E. **Opinions about Suspect** - Do not release personal or investigative opinions about guilt or innocence, results of trial, expected pleas to pending charges, willingness to plea bargain, or mental state of suspect.

1-8-9 RELEASING WITNESS INFORMATION

Do not release the identity, testimony, or credibility of prospective witnesses.

1-8-10 RELEASING VICTIM INFORMATION

Release the name of a victim only if approved by officer in charge or the investigating officer of a serious crime.

A. **Special Cases** - Do not release names in sex offenses cases or if the information would endanger the victim.
B. **Deceased Victims** - When victims are deceased, do not release their names until notice to next-of-kin.
C. **Media Interviews** - Victims have a right to privacy and must agree to a media interview. Do not make victims needing medical attention, under emotional stress, or being interviewed by investigators available to news media.

1-8-11 RELEASING JUVENILE INFORMATION

Do not release names of juveniles. Refer news media to proper juvenile authorities.

1-8-12 PLANNED NEWS RELEASES

1-8-13 ROUTINE NEWS RELEASES

The Chief of Police makes routine news releases in a consistent, fair and equitable manner. Releases are available equally to all media representatives from the various mediums serving the City.

1-8-14 NEWS CONFERENCES

The Chief of Police may call news conferences to notify the community via the media of particular situations.

1-8-15 MEDIA RELEASES ON CONFIDENTIAL OPERATIONS

Do not release information on investigations of a sensitive nature. The Chief of Police will make such information available when proper.

1-8-16 MEDIA ACCESS AT INCIDENT SCENES

1-8-17 MEDIA ACCESS TO POLICE SCENES

Police lines may be established to prevent persons from entering the area of a crime scene or the scene of a major fire, natural disaster or other catastrophic event. News media representatives may be admitted into these areas under the following conditions:

A. They possess appropriate credentials;
B. Their presence does not jeopardize police operations; and
C. They obtain permission from the senior officer in charge.

While a news person may be permitted into a restricted police area, they will not be admitted into a crime scene or other area which has been secured to preserve evidence.

1-8-18 MEDIA RELEASES ON-SCENE

Officers may release the following facts of an arrest and information, when not confidential or limited by law, upon approval of the Chief of Police:

A. **Synopsis of Incident** - Circumstances of the arrest and charge, including location, date and time of the incident, resistance to arrest, pursuit, possession or use of a weapon;
B. **Arrested Person** - Name, description, age, marital status, occupation;
C. **Bond and Trial Information** - Bond information amount, arraignment date or held for trial;
D. **Property Description** - Description of items seized, value, where stolen or vandalized;
E. **Officers and Agencies Involved** - Names of arresting officers, investigating officers, length of investigation, other agencies involved and any request for public information.

NOTE: Do not release names of officers that would jeopardize undercover operations.

1-8-19 PUBLIC INFORMATION FUNCTION

1-8-20 THE PUBLIC INFORMATION FUNCTION

The public and the media have an ongoing interest in law enforcement and the department's activities in general. The department may also at times have an interest in generating media attention for specific activities. To these ends and within legal standards, this agency and its members will:

A. Assist news personnel in covering routine news stories and incident scenes.
B. The Chief of Police, or designee, will be available for on-call media responses.
C. Prepares and distribute news releases on a timely basis.
D. Arrange for and assist at news conferences as needed.
E. Coordinate and authorize release of information about victims, witnesses and suspects.
F. Assist during crisis situations within this agency.
G. Coordinate and authorize the release of information concerning confidential agency investigations and operations.

However, at no time will members of the department communicate with media representatives for the purpose of personal gain or advancement. A presumption of intent to obtain personal gain arises when any member communicates with news media members without first obtaining permission from the Chief of Police. This presumption may be overcome in the event the

transaction in question was a result of the news persons' initiative. Conversely, where the member of the department initiates a news media member transaction without first receiving permission, that member has violated this regulation.

1-8-21 NEWS MEDIA CREDENTIALS

To assure that department members are communicating with an authorized news media representative at a police scene, and to assure that media representatives are not unnecessarily restricted in the legitimate pursuit of the news, this department will honor credentials issued to media representatives by their respective affiliates. Credentials may be revoked by the Chief of Police whenever a media representative has exhibited unprofessional conduct or committed any of the following acts:

A. Interferes in an investigation at the scene of an incident;
B. Interferes with the effective functioning of the Support Services unit while reviewing reports;
C. Obtains and publishes restricted information; or
D. Otherwise violates established procedures or commonly accepted standards of professionalism.

A statement will be sent to the employer of any representative suffering a revocation of credentials explaining the circumstance necessitating the revocation.

Effective: 01/25/2019	Reevaluation Date: JANUARY 2024

1-9 ORGANIZATIONAL APPLICATION

1-9-1 PURPOSE

This directive outlines the application of the policies and procedures set forth in this manual.

1-9-2 POLICY

In order to maintain fair and impartial application of the law, and consistency within the confines of this agency with regard to our procedures and specific handling of incidents, this department has gone to great efforts to develop and produce operational policies and procedures to assist and guide our actions during the carrying out of our respective responsibilities.

1-9-3 PROCEDURES

1-9-4 APPLICATION

All policies and procedures set forth in this manual apply to all Officers employed by this agency regardless of the type of Peace Officer License they may possess.

In addition to having application to Peace Officers, these policies and guidelines also apply to any civilian employees of the Buffalo Police Department and any volunteers working on behalf of the Buffalo Police Department, where appropriate.

1-9-5 OTHER POLICIES

While it is the intent of this manual to spell out and cover all items of policy necessary for the operation of the Buffalo Police Department, it is possible that a policy established by the City Administration of the City of Buffalo is either not included in this manual, or exists in contradiction to the information contained herein. Where a conflict over policy exists between the Police Department Policy Manual, and the City of Buffalo Personnel Policy Manual, the City of Buffalo Personnel Policy Manual will prevail. In addition, all Police Department Staff are required to abide by all policies included in the City of Buffalo Personnel Policy Manual that are not addressed in this manual.

1-9-6 DEVIATION FROM POLICY

The policies and procedures set forth in this manual are intended to provide a set of rules and guidelines for police department staff to follow as it relates to the specific topic addressed in the policy. Failure to follow the policies and procedures set forth in this manual may result in discipline as outlined in this manual.

It is possible however, to conceive of a situation where the application of the stated policies and/or procedures contained in this manual may be detrimental to overall operational goals and objectives, or overall public safety. It is also conceivable that an intentional violation of the policies and procedures herein set forth may be in the best interests of the City, the Department, the Officer, and/or the Citizenry.

Recognizing that Police Officers are asked to exercise great judgment over a variety of difficult and dynamic situations, Officers are also hereby authorized to exercise their judgment over the policies and procedures contained in this manual as outlined in this section.

Officers who believe that a deviation from the stated policy or procedure should occur, should contact a supervisor first, if possible and if time permits. Upon contacting the supervisor, the Officer should provide the supervisor with details surrounding the incident in question, and seek permission for an alternative response other than that which is called for in this policy manual. If the supervisor gives permission, the officer may proceed accordingly. If the supervisor denies permission, the officer shall follow the established policy and/or procedure.

If the situation at hand does not afford an opportunity to contact a supervisor immediately, the Officer may make their decision about proceeding on their own. The officer must understand and recognize that to deviate from the policy and/or procedure in question there must be significant compelling factors. While not specifically spelled out in this section, significant compelling factors should include information and facts of a substantive nature that would prompt a reasonable officer to act similarly in a like situation or circumstance. The officer must be able to articulate in sufficient quantity and detail how these factors apply in the given situation and why they warrant a deviation from the departmental policy. This information must be included in a narrative Case Report. If the supervisor approves the deviation from policy, the officer must still document these items sufficiently in a narrative Case Report.

If the deviation from policy is approved by a supervisor, the responsibility for that decision shall rest with the approving supervisor. If the deviation from policy is not approved by a supervisor, the responsibility for the decision to deviate from policy shall rest with the officer making the decision. The Chief of Police will review all such decisions, and shall make a determination as to whether the deviation from policy was warranted. The Chief of Police may take action related to this review including; policy revision, disciplinary action, remedial training, or approval of the decision.

Effective: 01/25/2019	Reevaluation Date: JANUARY 2024

1-10 ORGANIZATIONAL STRUCTURE

1-10-1 PURPOSE

This directive outlines agency structure in terms of accountability, responsibility, and span of control. This directive also outlines agency procedures for dealing with conflicting orders.

1-10-2 POLICY

It is the policy of this agency to clearly establish lines of authority and responsibility within the organization and to promote communication at all levels of the department. This agency will maintain an organizational structure designed to deliver law enforcement services efficiently and effectively. Organizational units will have clearly defined responsibilities subject to annual review and modification to meet changing community and departmental needs.

1-10-3 PROCEDURES

1-10-4 AGENCY ORGANIZATIONAL STRUCTURE

This agency allocates its resources and personnel along functional lines. The vertical organizational structure of the department follows a traditional authority/production-centered model.

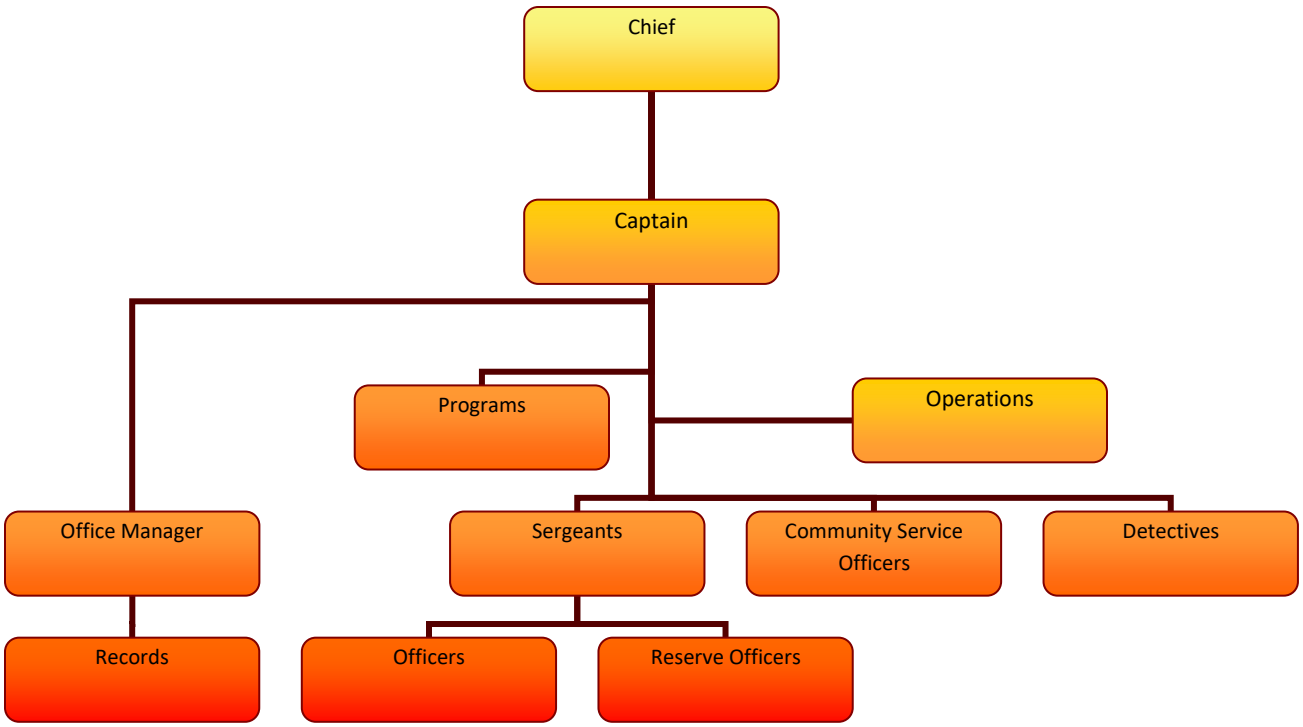
1-10-5 FUNCTIONAL GROUPING OF ORGANIZATION SUBDIVISIONS

The following functionally arranged organizational sub-divisions are within the personal span of control of the Chief of Police:

A. Investigation
B. Patrol
C. Support Services and Emergency Preparedness
D. Administrative Staff
E. Clerical Applications
F. Supervisory Staff

1-10-6 ORGANIZATIONAL STRUCTURE

The organizational structure is depicted in the following organizational chart:



1-10-7 UNITY OF COMMAND

1-10-8 EMPLOYEE ACCOUNTABILITY TO ONE SUPERVISOR

Each agency employee will be accountable to only one supervisor at any given time. Sworn officers within the Patrol Division are accountable to the Patrol Sergeant, the Chief of Police or his designee. Any officer assigned to the Investigation Division is accountable to the Chief of Police or designee. Patrol Sergeants are responsible to the Chief of Police or Captain.

1-10-9 COMPONENT COMMAND BY ONE SUPERVISOR

Each component of the agency will be under the direct command of only one supervisor at any given time

1-10-10 COMMAND PROTOCOL

The Chief of Police has overall command and responsibility for the Buffalo Police Department. Order of precedence for command authority in the Chief's absence is contained in 1-10-15 ORDER OF PRECEDENCE.

Rank and seniority within ranks ordinarily determine on-scene authority for police activities involving personnel from more than one department subdivision. Generally, the first responding officer remains in control for routine incidents. However, in those instances where there may be a question as to who is in charge, the following rules apply:

A. In the absence of the Chief of Police, the senior ranking officer will be in command.
B. Any individual designated as in command under these rules may delegate command authority to a junior ranking member at the scene. This action does not relieve the delegating individual from overall responsibility for events.
C. In the absence of a Sergeant, the Captain, or the Chief of Police, the senior officer on scene has authority and control of any incident or circumstance.

1-10-11 SPAN OF CONTROL

1-10-12 NUMBER OF EMPLOYEES UNDER IMMEDIATE SUPERVISORY CONTROL

Typically the span of control is narrower nearer the top of the supervisory structure. The following provides for all department supervisors.

POSITION	**SPAN (AVERAGE)**
Chief of Police:	(1) Police Captain
	(2) Police Sergeants
	(2) Secretaries
Captain:	(2) Sergeants
Patrol Sergeant:	(6) Police Officers

The Chief of Police will annually evaluate supervisory span of control issues in conjunction with the organizational structure review.

1-10-13 DIRECTION

1-10-14 RESPONSIBILITY FOR DIRECTION

The Chief of Police is the Chief Executive Officer of the Buffalo Police Department. Pursuant to the Buffalo City Code, the Chief has authority and responsibility for the management, direction and control of the operations and administration of the Police Department, subject to the general supervision of the City Administrator and City Council.

1-10-15 ORDER OF PRECEDENCE

A. Unexpected Absences: In the event of an unexpected absence of the Chief of Police due to temporary incapacitation or inability to act, the Police Captain exercise command authority as Acting Chief. In the event that the Captain is unavailable, the senior Sergeant on staff will exercise command authority as Acting Chief until relieved by a higher ranking officer.

B. Routine Absences: In the event of routine absences of the Chief of Police for such things as vacations, training, or travel, the Police Captain will exercise command authority as the Acting Chief of Police. In the absence of the Chief of Police and the Police Captain, the Chief may appoint a Sergeant as Acting Chief through the issuance of a memorandum.

1-10-16 SUPERVISORY ACCOUNTABILITY

To achieve effective direction, coordination and control, supervisory personnel are accountable for the performance of employees under their immediate control. This applies to each level of supervision within the department.

1-10-16 ORDERS

A. Obedience to Orders: Members of the department are required to obey any lawful order of a superior including any lawful order relayed from a superior by an employee of the same or lesser rank.

No command or supervisory officer shall knowingly issue an order which is in violation of public law.

No command or supervisory officer shall knowingly issue an order which is in violation of department policies and regulations unless necessary to carry out lawful objectives. Any command officer issuing an order in this regard must be able to articulate a reasonable purpose for the contradictory order.

B. Obedience to Unlawful Order: Members are not required to obey orders contrary to public law. Obedience to an unlawful order is not a legally sufficient defense for an unlawful act. Responsibility for refusal to obey rests with the member. Members will be strictly required to justify their actions.

C. Obedience to Incorrect Orders: Members receiving orders they feel are incorrect with respect to department rules and regulations must first obey the order to the best of their ability (except when ordinary and prudent knowledge would indicate that the order would be detrimental to the City, Police Department, or the physical well-being of the member or citizens). The member may then proceed with an appeal as provided in this manual.

1-10-17 PROCEDURES FOR CONFLICTING ORDERS OR DIRECTIVES

A. Conflicting Orders: In the event a department member receives an order that conflicts with a previous order or instruction, the employee will respectfully call the conflict to the attention of the superior officer issuing the last order. Should the latter not change the order, and the order is lawful, it will be obeyed and the employee will be relieved of any responsibility to obey the first order.

B. Countermanding Orders: Orders and instructions will be countermanded or conflicting orders or instructions will be knowingly issued only when reasonably necessary for the good of the department. The person issuing the original command will be notified by the person issuing the countermand of the action taken and the circumstances.

1-10-18 DEFINITIONS

City Council – Duly elected member of the Buffalo City Council.

City Council Police Liaison – Member of the Buffalo City Council assigned to the responsibility of serving as liaison to the Police Department.

Chief of Police – Chief Commanding Officer of the Police Department appointed by the City Council and delegated the responsibility of management of the overall department operation. The Chief of Police is responsible to, and is appointed by, the City Council.

Employee – All officers and employees of the Police Department

Appointing Officer – Shall mean the Chief of Police

Appointing Authority – Shall mean the City Council

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1-11 PREDATORY OFFENDERS

1-11-1 PURPOSE

This policy is intended to ensure that the Buffalo Police Department complies with the requirements of Minnesota Statutes 243.166, 244.052 and 244.053 to provide for the registration of sexual offenders and other predatory offenders and to provide community notification relative to the release of certain of those offenders, while maintaining the legally required privacy and other rights of those offenders.

1-11-2 POLICY

It is the policy of the Buffalo Police Department to protect the public by disclosing information on predatory offenders residing in this agency's community. This agency will decide what information to disclose and who to disclose information to based on the level of danger posed by the offender, the offender's pattern of offending behavior, and the needs of community members to enhance their individual and collective safety.

1-11-3 PROCEDURES

1-11-4 REGISTRATION PROCEDURES

For questions concerning predatory offender registration refer to the Bureau of Criminal Apprehension (BCA)'s Predatory Offender Registration website at www.dps.state.mn.us/bca for detailed information, or contact the Predatory Offender Unit (BCA-POR) by calling (651) 793-7070 or 1-888-234-1248.

When an offender arrives to register with this agency, determine what state the offense was committed in and if the individual is required to register by reviewing the list of registrable offenses on the POR website.

If the offender is required to register, contact the BCA POR to verify the offender is already registered and a DNA sample has been submitted.

- If the offender is already registered, complete a *Change of Information Form* included on the BCA's website at www.dps.state.mn.us/bca.

- If the offender is not registered, complete a *Predatory Offender Registration Form* included on the BCA's website at www.dps.state.mn.us/bca.
- If the offender is from another state, contact the state (information for each state is listed on the BCA's website at www.dps.state.mn.us/bca) and request a copy of the offender's original registration form, criminal complaint and sentencing documents.

It is recommended the agency verify the address of offenders living in their community.

- If the offender is not living at the registered address, contact the BCA-POR to determine if a *Change of Information Form* was submitted. If it was not, the offender may be charged with failure to notify authorities of a change in residence. To make this charge, contact the BCA-POR to request a prosecution packet. Submit the packet to the county attorney's office to file a formal charge.

  Note: It must be verified that the offender is no longer residing at his/her last address prior to submitting the prosecution packet for charging. Depending on the county attorney, formal statements may be needed from friends, co-workers, neighbors, caretakers, etc.

1-11-5 COMMUNITY NOTIFICATION PROCEDURES

For questions regarding community notification or the risk level assigned to an offender contact the Risk Assessment/Community Notification Unit of the Department of Corrections (DOC RA/CN Unit) at 651-361-7340 or at notification.doc@state.mn.us. The DOC will answer questions about the notification process and agency responsibilities. The DOC is also available to assist agencies in conducting public notification meetings when an offender subject to notification moves into a law enforcement jurisdiction.

Examples of forms that are provided to law enforcement agencies by the DOC to assist them in performing community notifications are as follows:

1. CONFIDENTIAL - Fact Sheet - Law Enforcement Agency Use Only
2. Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota-Risk Level Two
3. Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota-Risk Level Three
4. Law Enforcement Fact Sheet - Health Care Facility Notification - Information on a Registered Offender Not for Distribution to Facility Residents
5. Law Enforcement Fact Sheet - Health Care Facility Notification - Information on a Registered Offender for Distribution to Facility Residents
6. VICTIM DATA - CONFIDENTIAL - For Law Enforcement Agency Use Only

1-11-6 NOTIFICATION PROCESS

Law enforcement agencies receive information from the BCA and DOC pertaining to the risk levels of offenders. The duty of law enforcement to provide notification depends on the risk level assigned as described below. Public notification must not be made if an offender is placed or resides in one of the DOC licensed residential facilities (halfway houses) operated by RS-Eden, Alpha House, 180 Degrees, Damascus Way, or Bethel Work Release. Do NOT disclose any information until the law enforcement agency is notified the offender will move to a residential location.

Level 1 – Information maintained by law enforcement and may be subject to limited disclosure.

- Mandatory disclosure
  - Victims who have requested disclosure
- Discretionary disclosure
  - Other witnesses or victims
  - Other law enforcement agencies.

Level 2 – Information subject to limited disclosure for the purpose of securing institutions and protecting individuals in their care while they are on or near the premises of the institution.

- In addition to Level 1 disclosures, the law enforcement agency may disclose information to:
  - Staff members of public and private educational institutions, day care establishments and establishments that primarily serve individuals likely to be victimized by the offender.
  - Individuals likely to be victimized by the offender.
- Discretionary notification must be based on the offender's pattern of offending or victim preference as documented by DOC or DHS.

Level 3 – Information subject to disclosure, not only to safeguard facilities and protect the individuals they serve, but also to protect the community as a whole. In addition to Level 2 disclosures, law enforcement shall disclose information to other members of the community whom the offender is likely to encounter, unless public safety would be compromised by the disclosure or a more limited disclosure is necessary to protect the identity of the victim.

- A good faith effort must be made to complete the disclosure within 14 days of receiving documents from DOC.
- The process of notification is determined by the agency. The current standard for a Level 3 offender is to invite the community to a public meeting and disclose the necessary information. Assistance is available from DOC RA/CN Unit.

1-11-7 HEALTH CARE FACILITY NOTIFICATION

Upon notice that a registered predatory offender without a supervising agent has been admitted to a health care facility in its jurisdiction, law enforcement shall provide a fact sheet to the facility administrator with the following information: name and physical description of the offender; the offender's conviction history, including the dates of conviction; the risk level assigned to the offender, if any; and the profile of likely victims.

1-11-8 SPECIALIZED NOTIFICATIONS

1. **Offenders from Other States and Offenders Released from Federal Facilities Subject to Notification**
   - If a local law enforcement agency learns that a person under its jurisdiction is subject to registration and desires consultation on whether or not the person is eligible for notification, the agency must contact the DOC. The DOC will review the governing law of the other state and, if comparable to Minnesota requirements, inform law enforcement that it may proceed with community notification in accordance with the level assigned by the other state.
   - If DOC determines that the governing law in the other state is not comparable, community notification by law enforcement may be made consistent with that authorized for risk level 2.
   - In the alternative, if a local law enforcement agency believes that a risk level assessment is needed, the agency may request an end-of-confinement review. The local law enforcement agency shall provide to the DOC necessary documents required to assess a person for a risk level.

2. **Victim Notification**

   Law enforcement agencies in the area where a predatory offender resides, expects to reside, is employed, or is regularly found shall provide victims who have requested notification with information that is relevant and necessary to protect the victim and counteract the offender's dangerousness.

   DOC will provide victim contact information to the law enforcement agency when there is a victim who has requested notification.

   Law enforcement personnel may directly contact the victim. Community victim advocacy resources may also be available to assist with locating a victim and with providing notification. Assistance is also available from the DOC Victim Services staff.

   Law enforcement also may contact other victims or witnesses as well as other individuals who are likely to be victimized by the offender.

3. **Homeless Notification Process**
   If public notice (Level 2 or 3) is required on a registered homeless offender, that notice should include as much specificity as possible, for example "in the vicinity of_____". These offenders are required to check in with local law enforcement on a weekly basis.

1-11-9 DEFINITIONS

A. Predatory Offender Registration and Community Notification refers to the Minnesota law that requires certain predatory offenders to register with the Minnesota Department of Public Safety Predatory Offender Unit. The law also provides for community notification about certain adult predatory offenders who have been incarcerated by the Minnesota Department of Corrections (DOC) or confined by the Minnesota Department of Human Services (DHS).

B. Offender Risk Levels means the level of notification is governed by the level of risk assigned by the DOC.
Three possible risk levels can be assigned to an offender. They are:

- Level 1 – low risk of re-offending
- Level 2 – moderate risk of re-offending
- Level 3 – high risk of re-offending

Note: Some offenders who are required to register as predatory offenders are not assigned a risk level because their sentence was completed prior to predatory offender legislation or because they have not spent time in state or federal prison. These offenders are not subject to community notification.

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1-12 PROPERTY

1-12-1 PURPOSE

Property management is critical to successful prosecution of offenders and for community trust in protecting assets in our care. Strict procedures are necessary for handling and controlling property in Buffalo Police Department protection.

Accountability for seized, found, recovered and evidentiary property is set by procedure for security, storage, classification, retrieval and disposition of items in custody or within supervision of the police department. The department conducts inventories and audits of records and property regularly. The department returns property to victims or rightful owners as soon as practical.

1-12-2 POLICY

The Buffalo Police Department is accountable for seized, found, recovered and evidentiary property. We safeguard property belonging to others in the same condition as received. We preserve evidentiary integrity of property leading to prosecution of guilty persons. We publicly dispose of property that we cannot return to rightful owners, and destroy contraband.

1-12-3 PROCEDURES

1-12-4 PROPERTY MANAGEMENT ACTIVITIES

1-12-5 RESPONSIBILITY FOR PROPERTY MANAGEMENT ACTIVITIES

The Chief of Police will designate one person as responsible for each of three major types of property:

A. Property owned or used by the agency;
B. Property in custody of the agency; and
C. Found, recovered or evidentiary property.

Centralizing responsibility for property control enhances accountability and security. Ordinarily, the Property Manager will be designated as responsible for all found, recovered and evidentiary property as well as property in the custody of the department.

1-12-6 PROPERTY ROOM INSPECTIONS

The Chief of Police will conduct annual inspections of the property room to ensure adherence to procedures for the control of property.

The inspection will determine at a minimum:

A. Property room and storage areas are being maintained in a clean and orderly fashion;
B. Provisions of agency orders and directives concerning property management are being followed;
C. Property is being protected from damage or deterioration;
D. Proper accountability procedures are being maintained; and
E. That property with no further evidentiary value is being disposed of promptly.

1-12-7 ANNUAL INVENTORY

An annual inventory of secure property and evidence storage areas will be conducted by the Chief of Police or designee. This review should be conducted by a person who is not routinely or directly connected with control of property.

The purpose of this inventory is to independently ensure the integrity of the system and not to require an accounting of every item of property.

1-12-8 CONTROL OF PROPERTY

Employees are accountable for maintaining a credible chain of custody and for security of property seized as evidence or under their control. Fully describe property and promptly log it into the property storage area.

1-12-9 ACCOUNTABILITY FOR PROPERTY

Inventory property coming into officer possession in the performance of officer duties before the end of officer shift. Submit it to the Property Manager or secure it in the after-hours storage.

- **Impoundment Criteria** - Impounded property must have evidentiary or monetary value.
- **Storage of Property** - Do not keep items of property in officer personal control under any circumstances (i.e., in officer locker, desk, vehicle, etc.).

- **Personal Use of Property** - Do not take property lost, found, confiscated, held for safekeeping or inventoried for personal use or profit.
- **Control of Property** - The Property Manager reports to the Chief of Police and shall maintain custody and control of property.

1-12-10 CLASSIFICATION OF PROPERTY

- **Seized Property** - Inventory seized property and list it in the narrative incident report. Take it to the property storage area and properly tag it.
- **Found Property** - Take found property to the property storage area and properly tag it. Seize property and process it as evidence if officers determine it is the result of a crime.
- **Recovered Property** - Recovered property belongs to a victim not to the system.
  - return property to victims of burglary, shoplifting and other crimes at the earliest possible date;
  - an officer shall be present when taking photographs if a photograph can be used in court instead of actual property. The officer must be able to attest in court that the photographs are a true and accurate representation of the recovered property.
- **Evidentiary Property** - The Property Manager shall inventory and log evidentiary property before submission to a crime lab for testing.
  - complete proper forms on property to be processed by a crime laboratory, and attach them to the submission envelope;
  - use extreme care to not contaminate or destroy valuable evidence;
  - use suitable containers to store and transport evidentiary materials.

1-12-11 RESPONSIBILITIES OF PROPERTY MANAGER

The Property Manager is responsible for control of property received, inventoried, tagged and stored in the property storage area. Duties include:

- **Shipping and Receipt of Property** - Packaging, shipping, receiving, and notifying officers of all property sent to or received from another agency.
- **Release Form** - Getting a completed release form before property is shipped; and
- **Disposition of Property** - Releasing property or making other final disposition as authorized.

Additional duties of the Property Manager include - to make records of the chain of possession in all classifications of property placed into the secure property and evidence storage areas; provide for the security of all property coming into agency control; make for the timely

availability of such property when needed or required; provide maintenance to all property coming into agency control by utilizing accepted standards; dispose of such property as appropriate by utilizing accepted standards when all legal requirements have been met; and other duties and responsibilities as determined by the Chief of Police.

1-12-12 PERSONNEL CHANGES AND INVENTORY

Whenever a new Property Manager is designated, an inventory of property will be conducted jointly by the new and outgoing personnel to ensure records are correct and properly annotated. The purpose of the inventory is to ensure the continuity of custody and not to require the accounting of every single item of property. The inventory should be sufficient to ensure the integrity of the system and the accountability of the property.

At a minimum, the inventory will:

A. Include a careful review of a sufficient number of property records to ensure proper documentation and accountability;
B. Review and ensure records are current and properly annotated; and
C. Will include the recording of all discrepancies prior to the assumption of property accountability by the newly appointed custodian. Discrepancies will be forwarded to the Property Technician/ Custodian's supervisor.

1-12-13 FOUND PROPERTY INTAKE

When found or recovered property is discovered or provided to an officer, it is the officer's responsibility to attempt to return the property to the property owner whenever feasible.

A. Found/Recovered Property – Prior Incident: If the property is known to be associated with another incident or case file, the officer should receive and enter the property as appropriate under the initial case number, and document the receipt of this property.
B. Found/Recovered Property – Owner Information Available: If the property is not associated with another case, but there is information present that would allow for the officer to potentially determine the identity of the owner, or if the officer knows the identity of the owner, the officer shall make all reasonable efforts to reunite the owner with their property. If the property is returned to the owner during the officer's shift, no report is required, and the return of the property may be documented in an incident summary, along with the accompanying property release form. If the officer is unable to return the property to the owner during their shift, the officer shall make arrangements to secure the property and document steps taken to notify the owner.
C. Found/Recovered Property – No Owner Information Available: If the property is not associated with another case, and there is insufficient information to identify the owner of the property, the officer may receive the property as appropriate, and document this information in an incident summary only; no report is required. If the property contains a serial number, the officer is to check the item for a possible stolen status prior to

placing it into found property. This information is to be included in the incident summary.

D. Documentation of Found Property: Any time an officer places property in the found property section, the officer is required to properly tag the property.

1-12-14 PROPERTY SECURITY

1-12-15 GENERAL SECURITY

The police department allows only authorized persons in the property storage area.

- **Authorized Personnel** - Authorized personnel are the Property Manager, the Police Lieutenant, and the Chief of Police.
- **Integrity of Property Storage** - No person shall alter, remove, or steal property stored, or compromise integrity of the property storage area in any other way.

1-12-16 HIGH RISK SECURITY PROPERTY

Items such as currency, securities, precious metals, jewelry with gemstones or other value, narcotics and drugs, or any other items of significant value, should be secured as evidence, regardless of their classification.

- **Currency** - Itemize currency by denomination and list it in officer report separately from other items impounded simultaneously.
- **Jewelry** - Fully describe and itemize each jewelry item in officer report.
- **Flammable Substances** - Do not accept bombs, explosives or pyrotechnics in the property storage area. They need immediate disposal or special storage.

Extra security should always be considered for property that may be sensitive, high in value, or otherwise constituting an increased security risk.

1-12-17 NARCOTICS

A. Narcotics and dangerous drug evidence will be counted (capsules, pills) as well as weighed. Counting should be performed in addition to, not in lieu, of weighing.

B. All narcotics and dangerous drugs will be inspected upon receipt and before transfer or destruction by the Property Manager to verify the amount of capsules or pills and the weight of the drugs. This shall be documented on the property receipt by the Property Manager.

Exceptions to weighing or counting a substance are permissible when they are in officially sealed, tamperproof protective packages, either by the officer originally seizing

and sealing the item or by the manufacturing (e.g., a bottle of suspected controlled substance in capsules still in the original factory sealed container).

- **Property Control Standards** - The Property Manager shall strictly control acceptance and release of narcotics by quality and quantity standards.
- **Collecting Physical Evidence** - Photograph growing plants, pull them up and place them in paper bags (plastic bags destroy evidentiary value of plants).

  NOTE: Do not seize planters or pots. Officers may empty contents of ashtrays into evidence bags.
- **Integrity of Physical Evidence** - Seal containers of contraband in tamper-proof packages. Initial all taped seams. Inspect sealed containers for tampering to find any substitution of materials having the same weight or count.

  NOTE: If it is necessary to break seals before transport to the property storage area, lab or court, write a supplement to the original report, noting reasons for reopening package, date, and time.
- **Safety of Personnel** - Always ensure the safety of all employees handling property. Always:
  - pour water out of water pipes; and
  - do not leave needles exposed.
- **Disposition of Contraband** - Destroy seized articles of contraband per court order, unless the court suggests and Chief of Police authorizes another method.

1-12-18 REFRIGERATED STORAGE

A. The department provides refrigerated storage for body fluids and other perishable property.
   - **Body Fluids** - Preserve blood and other body fluid specimens so their properties will be unchanged before examination in a laboratory or presentation in court. Blood, Urine and Sexual Assault kits do not need to be refrigerated.
   - **Other Perishable Property** - Photograph other perishable property and release it to the proper claimant. Include in officer report that property was released because of its perishable nature.

1-12-19 PROPERTY STORAGE

All property stored by this agency is within one of the following designated secure areas:

A. Secure evidence area;
B. Secure property area;
C. Bicycle storage area;
D. Temporary secure holding facilities.

The department provides "after hours" storage for property seized when the property storage area is closed.

- **Leaving Property After Hours** - Leave property or evidence in the locked storage area to maintain strict chain of custody.
- **Intake of Property** - The Property Manager shall properly log intake and store property or evidence on the next duty shift.

1-12-20 PROPERTY DISPOSITION

1-12-21 LEGAL AUTHORITY

Follow special regulatory laws, prescribed holding periods, State Revised Statutes, City ordinances, directives and court orders to release or dispose of seized, found and recovered property.

1-12-22 METHODS OF DISPOSITION

Items of property and evidence shall be maintained until such time as it loses its evidentiary value, meets ordinance requirements relating to other classifications of property, meets retention schedule criteria, disposal is authorized by City or County Attorney, or the statute of limitations has expired. Final disposition should be made no later than six months after legal requirements have been satisfied. Property and evidence will be disposed of in one of the following manners:

A. Returned to rightful owner. Property to be disposed of or returned may be arranged by the Property Manager.
B. Returned to a legal claimant, (if other than rightful owner);
C. Placed in liquidation for sale at public auction;
D. Retained by the department/city as agency property;
E. Sale of kegs and tappers to licensed liquor stores with proceeds payable to the City of Buffalo;
F. Pursuant to state law, all confiscated firearms that are not returned to the owner may be disposed of only by;
    1. Transfer of use to Department Use
    2. Physical Destruction of the Firearm
    3. Sale to an authorized firearms dealer
G. Destruction of property:

    1. Contraband:
        a. Controlled Substances – There are two types of controlled substances that are collected by the police department, including those that are illegal

substances or misused substances, and pharmaceuticals that are collected through the drug drop box. Pharmaceuticals recovered through the drop box will be destroyed at a certified incinerator in accordance with authorized protocols established by the state and the incinerator. Illegal controlled substances or other misused substances such as legal pharmaceuticals will be disposed of through an approved process that ensures safe and documented disposal.

b. Drug Paraphernalia -- Requires witnessed disposal by what is necessary (smashing, trashing, incineration, etc.).
c. Illegal Weapons – These weapons may be destroyed by the BCA, or other means that render them non-functioning and inoperable.
d. Ammunition - That which cannot be put into service will be provided to the Bureau of Criminal Apprehension, State of Minnesota, for disposal, or other suitable entity.
e. Fireworks - That which cannot be put into service for Fire Department training will be provided to the Bureau of Criminal Apprehension, State of Minnesota, for disposal or disposed of by the Fire Department, or other suitable entity.
f. Open Bottle and other alcohol related offenses

Evidence obtained from other alcohol related offenses such as open bottle shall be placed into evidence. A sample of the evidence shall be dispensed into the appropriate sealed containers located in the evidence room. The original can/ bottle seized shall be photographed along with the dispensed liquid in the sealed canister. The sealed canister containing the liquid evidence shall be placed into evidence. The original container should be destroyed. The photograph is to be attached to the case file. The officer should take into consideration the seriousness of the crime committed when deciding to keep evidence for prosecution purposes. All evidence associated with serious alcohol related violations, such as criminal vehicular operation, felony or gross misdemeanor DUI, shall be placed into evidence.

2. Clothing: Used or soiled clothing items will be packaged and placed in garbage for normal sanitary pickup.
3. Valueless Property: Items of property with no monetary value will be kept for at least seven days, at which time the items will be taken care of in the appropriate fashion as indicated below:
    a. Credit Cards will be returned to the issuing agency whenever practical.

b. Documents will be shredded prior to being placed into garbage for normal sanitary pickup.

4. Juvenile Status offenses (including minor consumption/ possession):
Evidence related to juvenile status offenses (tobacco and alcohol) should be photographed and destroyed. The officer's report must include documentation of the items seized and destroyed. The photograph is to be uploaded into the case file. Destruction of evidence associated with these Status Offenses does not require to be witnessed by another officer, and these items need not be entered into evidence.
Exception to the above procedure:
    - If the Officer has been able to determine that the evidence belongs to a person who can legally possess the item seized, and the owner did not give consent for the juvenile to possess it, the evidence shall not be destroyed. The evidence obtained from the offender shall be placed into evidence at the Buffalo Police Department. Arrangements can be made with the Property Manager for the release of the item(s) to the owner once a disposition for the case has been received.

H. Items owned or issued by city, county, state or federal agencies will be returned to those agencies as appropriate. This would include such items as license plates and drivers licenses being returned to the Minnesota Department of Transportation, or street/regulatory/warning signs being returned to the proper agency.

I. Other items of property/evidence which have not been specifically identified will be disposed of as appropriate. A summary of the process of disposal will be made a part of the original property receipt documentation. Safes and grave markers are examples of such property.

1-12-23 METHODS OF DISPOSAL BY PROPERTY CLASSIFICATION

- **Seized Property** - When the lawful owner is unknown, give cash or securities to the City.
    - the Internal Revenue Service may claim assets received from illegal enterprises for unpaid taxes;
    - dispose of property seized by warrant by order of the court of jurisdiction.
- **Found Property** - Employees shall not claim found property. Release to finder only by following procedures established by State Revised Statutes.

  When found property is received by an Officer, the property should be placed either in the found property section of the garage(s), or the evidence room, if the property

has significant value. When found property is received, the Officer should enter the property into RMS and attach a label.

All items of property that are considered evidence, should be entered into RMS, properly bagged and labeled, and placed in an evidence locker. If the item it too big to fit into a locker, it can be placed in the secure garage bay.

- **Firearms or Other items with Serial Numbers** – A stolen check should be conducted on any item prior to its release or destruction.
- **Recovered Property** - Notify victims of property recovered and how to claim it. When property is released, the person who is receiving the property should sign the property release form indicating which property they have received.
- **Evidentiary Property** - The investigating officer or prosecutor introduces items of evidence in court.
  - return evidentiary property for disposal or further storage after release from court;
  - destroy contraband per court order.

1-12-24 DISPOSITION SCHEDULE

The Property Manager shall make final disposition of property in custody on a regular schedule as established by the Chief of Police, except in circumstances where the law requires longer storage or there is pending litigation, such as replevin, appeals, etc.

1-12-25 PROPERTY RECORDS

1-12-26 PROPERTY FILES

Maintain property files by type of property, manufacturer, and by manufacturer's serial number or owner applied number to cross check stolen property with recovered property.

1-12-27 PROPERTY TAG

Record property information on police department property tags. Firmly affix property tags to property or container.

1-12-28 LISTING OF PROPERTY

List the following information on property tags:

- **Description** - Description of property, including manufacturer serial number, owner applied number, make, model, quantity, estimated value, identifying characteristics;
- **Case** - Incident number;
- **Location** - Exact location where found;
- **Employee** - Employee taking possession; including name and department number;
- **Arrestees** - Persons arrested, charges, booking and/or citation numbers;
- **Owner** - Name and address of owner or of person finding property;
- **Handling** - Special handling requirements; and
- **Receipt by Property** - Received in property storage area by: name of employee, department number, date, time.

1-12-29 STATUS OF PROPERTY HELD

The Property Manager shall keep records on property in custody which include the following information:

- Location of property;
- Date and time of receipt;
- Type and dollar value; and
- Moved, opened, sealed, disposed of or destroyed property must have proper signature to established chain of custody.

1-12-30 AGENCY PROPERTY

1-12-31 CONTROL OF AGENCY PROPERTY

The Chief of Police or designee is responsible for the acquisition, control and final disposition of all agency property. The Chief of Police will:

A. Ensure the appropriate identification, labeling and recording of existing capital assets owned or used by the agency;
B. Ensure accurate maintenance of the property management system as assets are added, transferred, replaced or destroyed;
C. Maintain for each item of agency property its cost, date of acquisition, location, condition, usage data, relevant maintenance and repair data, and the person responsible for the item; and
D. Ensure that procedures for the control of found, recovered and evidentiary property and property in the custody of the agency conform to legal requirements and department policy.

1-12-32 PROCUREMENT AND DISTRIBUTION OF AGENCY PROPERTY

Record keeping and accountability regarding the distribution and issuance of agency-owned property to authorized users is the responsibility of the Chief of Police or designee.

For purposes of this standard, property includes expendable items, installed property, uninstalled property, equipment, vehicles, munitions and personal wear items owned or assigned to the agency.

Whenever feasible, all police department staff shall make requests for acquisition of property to the Chief of Police. Purchases for building maintenance items, as well as fuel and minor vehicle maintenance items do not require prior approval. If a City of Buffalo Purchase Order is required, police department staff shall obtain approval from the Chief of Police prior to submitting a Purchase Order to Finance.

1-12-33 ACCOUNTABILITY FOR AGENCY PROPERTY

Each member of this agency is held accountable for all property issued to them and that property assigned to them for a given shift, task or project. Any lost, damaged or stolen agency property must be reported in writing by the officer assigned the property to the Chief of Police before the end of the duty day.

1-12-34 OPERATIONAL READINESS OF PROPERTY

Ensuring stored items of agency property are maintained in a state of operational readiness is the responsibility of the Chief of Police or designee.

1-12-35 USE OF PROPERTY RELEASE FORM

A property release form will be required whenever found or recovered property, including evidence, is to be returned to the property owner, regardless of whether the property has been entered into RMS. The owner of the property is required to sign the form, and the form is to be routed to the Property Manager.

Effective: 01/25/2019	Reevaluation Date: JANUARY 2024

1-13 RECORDS ADMINISTRATION

1-13-1 PURPOSE

The purpose of this directive is to provide administrative procedures and guidance on the development, receipt, processing and distribution of police records. Much of the department records management system (RMS) is based on computerized access to local and State systems. This records management system adheres to legal mandates while remaining responsive to operational needs.

1-13-2 POLICY

The central records function is essential to the effective delivery of law enforcement services within the community. The records function must be reliably efficient to meet the management, operational and information needs of the agency and the many legal requirements of the criminal justice system.

The policy of this department is to document police activity efficiently, promptly and with careful regard for constitutional and State guidelines.

1-13-3 PROCEDURES

1-13-4 AGENCY CENTRAL RECORDS COMPONENT

The Records Division is established as a functional component of the Secretarial and Clerical Division for the purpose of processing, maintaining, retrieving, updating and disposing of the official records and files of the Buffalo Police Department.

The major duties of the Records Unit include:

A. Records processing and maintenance
B. Data entry and retrieval
C. Uniform crime reporting
D. Report copies for citizens

1-13-5 AGENCY CENTRAL RECORDS FUNCTION

The report review and control function is established to assure the quality, accuracy and completeness of police records. This process involves a critical and timely review of official reports generated by this agency. Reports found to be deficient will be returned to the originating member for correction before being entered into the official agency master records system.

The Records Division will be the central repository for the original copies of incident reports, accident reports, citations and other official records.

Basic case information is available through the department's computer system.

Original records retained may be obtained for review by officers but should not leave the department premises. An exception is when original copies of records are subpoenaed into court by order of a judge or when requested by the prosecuting attorney (a copy will then be retained by the Records Unit). Copies may be obtained upon request.

1-13-6 COMPREHENSIVE REPORTING SYSTEM

Every incident which occurs or is alleged to have occurred in the Buffalo Police service area will be reported in one or more of the following categories:

A. Citizen reports of crime;
B. Citizen complaints;
C. Citizen requests for service when:
    1. An officer is dispatched,
    2. An employee is assigned to investigate,
    3. An employee is assigned to take action at a later time;
D. Criminal and non-criminal cases initiated by law enforcement officers;
E. Incidents involving arrests, citations or summonses;
F. Mutual aid assistance calls are assigned as any other incident is assigned.

Documentation of the above listed categories will be by one or more of the following: ICR, Incident Report, Citation, etc. Initial Complaint Reports (ICR'S) are also entered into the agency's computer system.

1-13-7 TYPES OF REPORTS

Reports should either be dictated or typed. Case Report form is required for both types and these forms (along with any other associated paperwork), should be placed in a Red, Green or Blue folder as follows:

- Red folders are for In Custody reports. This includes all arrests and also 72 hour holds.
- Green folders are for cases involving a need for immediate follow up or record sharing. The most common cases of this type include Mental Health and Child Abuse reports.
- Blue folders are for all other reports

1. Officers are still required to complete the basic ICR information when generating a dictated report.
2. Officers do not need to duplicate the names, etc. on the Case Report form that officers entered into RMS.
3. Officers are required to enter the ICR number on the form.
4. It is also important to enter property information on the Case Report form for cases involving stolen, lost, damaged, or recovered property.

A. Dictating Reports:

When a report is dictated, officers shall complete a BPD Case Report Form, checking the applicable boxes. Officers shall record their dictation on a digital recorder and place all related documents in a colored folder along with the BPD Case Report Form. The folder should be placed in the In-Basket.

B. Typing Reports:

Officers may type reports instead of dictating them. Arrest Reports should always be typed unless circumstances determine that dictating would be more appropriate. Officers shall notify a supervisor if they choose to dictate an Arrest Report.

Templates for completing typed reports are included within our RMS, as FRN Initial (Field Report Narrative) and FRN Supplemental. Both contain template headings that officers should complete with information pertinent to the incident they are reporting on.

C. FRN's

Field Report Narrative (FRN) reports are short reports typed by the Officer, intended to be used to reduce unnecessary dictation and transcription. All FRN's should contain full

sentences and appropriate grammar; jargon and abbreviations should not be used. The appropriate report template should be used that includes report headings.

There are two types of FRN reports:

1. Field Report Narrative – Initial
2. Field Report Narrative – Supplemental

When completing an FRN, the Officer should address each subject heading. If there is no information required for a subject heading, the Officer should indicate N/A, or None. The FRN Initial report template will include all subject headings from the dictation template. The FRN Supplemental report template will only include a partial list of subject headings. If the Officer has information for a subject heading that is not present in the template, the subject heading should be added so the information can be included in the subject heading area.

If officers are typing an FRN Initial, all topic information is still required to be entered. *Officers will be required to submit a CASE REPORT form when completing an FRN Initial or Supplemental; this form must be put it in a Blue, Green or Red folder along with any other paperwork*. The Case number should be put on the form, and the FRN box should be checked. No additional information needs to be completed on the CASE REPORT form, unless it is information that is not in the report or is required for data entry purposes.

1-13-8 MINIMUM INFORMATION INCLUDED IN REPORTING

Upon receipt of an initial complaint, an attempt will be made to obtain the following minimum information:

A. Date and time of the initial reporting;
B. Name (if available) of the citizen requesting the service, or victim's or complainant's full name, address and DOB;
   Alternative Address procedures: In cases where a mandatory reporter or officer of the court (including judges, law enforcement officials, attorneys, etc.) is a witness or reporting party, arising out of the scope and course of their employment, a work address and work phone number may be used in lieu of the person's home address and phone number. If the incident is of a personal nature, as opposed to a professional one, the person's home address and phone number should be used.
C. Nature of the incident; and
D. Nature, date and time of action taken (if any) by law enforcement personnel.

1-13-9 CALL FOR SERVICE RECORD COMPLETION

In completing records of calls for service, Officers are required to add basic information regarding the call.

1. **Required Entry Elements**
   - Names
   - Summary/Synopsis
   - Location (Unless it has already been added)
   - Custom Variables
   - If officers were not the original officer assigned to the call, officers may need to update the Officer Assigned information.

2. Custom Variables: Within the call record there are a variety of custom variable boxes. Officers should follow protocols for completing these boxes and seek guidance from a supervisor if they are unsure when the box should be used. A partial list of the boxes is included here:

- Multi-Housing box: Only check this box if the incident is a violation of the multi-housing ordinance.
- False Alarm box: Only check this box if the incident is a violation of the false alarm ordinance.
- Report box: Only check this box if there is additional paperwork (other than a citation) associated with the incident. Do not check this box if the only paperwork associated with this incident is a Citation. If there is a Citation and a report, check both boxes. This box should be checked if there is an FRN associated with the incident.
- Nuisance Call for Service box: Check this box if there are repeated calls for service to a location originating from an outside source.

NOTE: Make sure to hit "Update" after making changes, to ensure the information is posted to the Incident record.

1-13-10 REPORT FORMS AND PROCEDURES

The purpose of a report system is to gather in a logical standardized manner all necessary data pertaining to the provision of police services. These reports are used for both field services and internal management purposes (both investigative and administrative), the issuance of various prosecutorial papers, and for insurance purposes.

A. Initial Complaint Report (ICR): The first component in the collection process of a law enforcement record system is the Initial Complaint Report. The form is initiated by the

Dispatchers, Records Unit, Officer in the field, or Investigation Division. The ICR should contain certain basic information.

1. When To Be Completed – an ICR is required for the following items:
    - All calls for service (CFS) handled by the department, whether the CFS originates through dispatch, the communications center, in person, or otherwise. This includes any and all calls regarding criminal incidents, fire calls, ambulance calls, missing persons, requests for assistance, casualties or any other miscellaneous calls for service. ICRs are to be made out or completed by the individual taking or handling the call for service.
    - All traffic stops initiated by an officer. ICR creation may occur as a result of automated processes, or manually, but is required for all traffic stops.
    - Any search of a person, place, or vehicle, where consent, a search warrant, or other legal basis must be satisfied prior to executing the search. Where consent is being sought, written consent is the preferred method of documenting that consent was provided.
    - Any other time an officer initiates an action, which requires the performance of a police function, which is beyond routine patrol activities.
2. Distribution: Once the individual has completed the call for service, the ICR should be updated electronically or completed manually. ICRs that are completed manually will be placed in the in-basket to be forwarded to the Records Unit after appropriate paperwork has been attached, if any. The Records Unit will process the ICRs on a daily basis.
3. Additional Forms: All further forms to be utilized in the records system are for the purpose of obtaining additional information beyond the ICR. These forms are an essential part of the case file. These reports will also provide for the updating of these case files as well as MNCIS/CJIS records. The key to the success of this process is that everything is fed into the Records Unit. Once at the Records Unit, this follow-up information will be processed for updating MNCIS/CJIS records, and eventually storage in the case file.

B. The CASE REPORT FORM: This report form is designed to be an adequate title page for an incident. It should be completed any time a report is required to document information and action taken in response to a complaint.

   This form is to be used for one of three purposes:

    - It can be used as a basic ICR (when the computers are down); or
    - It can be used as the Cover Sheet for an initial CASE REPORT when the CASE REPORT is either Typed or Dictated; or
    - It can be used as the Cover Sheet for a Supplemental CASE REPORT when the CASE REPORT is either Typed or Dictated.

   Some additional rules that apply to the BPD CASE REPORT Form:

- Whenever this form is used, all applicable sections of this form must be completed.
- Officers MUST use a BPD CASE REPORT Form for all incidents of a criminal nature.
- All incidents of a criminal nature require a Narrative Report, either an FRN or dictated.
- A Warrant Arrest is not a criminal incident in and of itself.

1. An ICR is required when citations are issued for Traffic Violations. No CASE REPORT FORM or INCIDENT REPORT is required for Traffic Violations resulting in a citation unless circumstances involved warrant a narrative report.

2. In addition to the ICR, a CASE REPORT FORM and an INCIDENT REPORT are required when citations have been issued for the following:
   Possession of Marijuana
   Possession of Drug Paraphernalia
   Disturbing Peace/Privacy
   Disorderly Conduct
   Trespassing
   Minor/Underage Consumption
   State Laws or City Ordinances that do not fall under the Driving, Traffic Laws, or Parking Laws.

   In addition, INCIDENT REPORTS are required for the following:
   All Felony Situations
   All Burglary/Theft Reports
   All Gross Misdemeanors
   Runaways-Parent, guardian to sign
   Vehicle Theft-owner to sign
   Sudden deaths, bodies found
   Juvenile Referrals other than Curfew and Tobacco Possession.
3. The original of the CASE REPORT FORM is placed in the basket to be forwarded to the Records Unit.
4. The CASE REPORT FORM serves as the front sheet for all FRN or dictated reports. In the event that the Records Unit types up an INCIDENT REPORT or SUPPLEMENTAL REPORT for the Officer, the report will be returned for the officer's review before the report leaves the office except when the report is

needed (Except in situations in which the Attorneys offices may need a copy immediately for issuance of a formal complaint or for in custody situations.)

C. Follow Up Reports
A Follow-up Report should be made out by any member of the department who has gained information bearing on a case being investigated by the department. The information should be recorded on the CASE REPORT form and identified by the original case file number, the officer completing the report and the date. The report will then be included in the file of that particular case. This form should contain any additional names, addresses, phone numbers, property etc. not listed on the CASE REPORT.

1-13-11 CASE NUMBERING SYSTEM

The Buffalo Police Department assigns a case file number to cases. One set of sequential numbers is used for cases. The number is an eight-digit number. The first two digits designate the current year. The remaining numbers are used for the case number. The numbers are started from YR000001 each year.

1-13-12 REPORT REVIEW

Each shift, officers should check officer queue to see if there are reports assigned for review and then follow this workflow procedure.

- Review the report.
- Make any necessary changes or adjustments to the original report.
- If the report is locked and has already been sent out of our office, officers will not be able to make any changes or updates to the initial report and these must be made in a Supplemental report instead.
- When officers have reviewed the report, they should submit it for final review.

In order to ensure that assignments have been satisfactorily completed, the Chief of Police or designee will review incident reports submitted. When the reviewer is satisfied that the report has been completed properly and completely, the report will be forwarded to the Clerical Division.

1-13-13 PROCEDURES FOR THE DISTRIBUTION OF REPORTS AND RECORDS

Active Files

When a case has been assigned for further investigation, officers should check the notes section of the case as supervisors may use this space to provide direction. Each officer should check their case queue regularly and conduct further action in a timely manner.

If officers take action relative to an active case, and the information obtained or the action taken is of importance to the case, officers should complete a Supplemental Report as soon as

possible. Officers should ensure that proper details are recorded, and that they are recorded in a timely manner. When an officer believes they are finished with a case, they should forward it for final review.

When minor actions are taken relative to an active case, the assigned Officer should make notes in the Case Action Log for the case, noting the activity taken.

A. Follow-up Assignment to the Patrol Division:
   Patrol will provide follow-up investigations as directed by the Chief of Police or designee in those instances where preliminary reports indicate the incident is in need of follow-up investigation.
B. Follow-up Assignment to the Investigation Division:
   Investigation will provide follow-up investigations as directed by the Chief of Police or designee, in those instances where preliminary reports indicate the incident is in need of follow-up investigation.
C. Distribution of Reports to Outside Agencies and Civilians:

   Reports will be distributed to outside agencies and civilians consistent with State Statutes and the Minnesota Data Privacy Act.

1-13-14 STATUS OF REPORTS

The original report is maintained within the Records Unit. Accounting of records status is accomplished through the records component and the follow-up reports specified in standard 1-13-12.

1-13-15 ANNUAL AUDIT AND EVALUATION OF THE COMPLAINT CONTROL RECORDING AND INCIDENT REPORTING PROCESS

The Chief of Police or designee will conduct an annual audit and evaluation of the complaint control recording and incident reporting process.

1-13-16 PRIVACY AND SECURITY PRECAUTIONS FOR THE CENTRAL RECORDS FUNCTION

The Buffalo Police Department Records Unit, will comply with the Minnesota Data Privacy Act and the Code of Federal Regulations, Chapter 28, part 20, with regard to dissemination, completeness and accuracy, audits, security requirements and access, and review of agency records by other agencies or the public.

1-13-17 PROCEDURES FOR DEVELOPMENT, MODIFICATION AND APPROVAL OF FORMS

The development and modification of agency forms is the responsibility of the Chief of Police.

Forms will be reviewed annually for usefulness and completeness at the direction of the Chief of Police. Information should be non-duplicative and readily understandable.

Consultation with department sections required to use the forms should be accomplished prior to approval of changes, modifications or development.

1-13-18 PROCEDURES FOR HANDLING FUNDS BY RECORDS PERSONNEL

Small amounts of money may be accepted by police Clerical personnel in payment for copies of various types of reports. Police Clerical personnel are authorized to accept money for these services. A receipt must be issued for money received. Money and receipt copies will be submitted at least monthly to the City Clerk. Money will be kept in a secure area when left unattended.

1-13-19 ACCESSIBILITY TO RECORDS

1-13-20 CENTRAL RECORDS INFORMATION IS ACCESSIBLE TO OPERATIONS PERSONNEL AT ALL TIMES

Central records information is accessible 24 hours per day through the following:

A. Agency computer system
B. Officer access to original case files

1-13-21 RECORDS REPOSITORY

This agency maintains a repository of records, to include:

A. ICR Reports
B. Incident Reports
C. Traffic Accident Reports
D. Citations

These records are maintained by case control number as described in this chapter.

1-13-22 ALPHABETICAL MASTER NAME INDEX

The Records Unit will maintain an automated alphabetical master name index. The following names will be placed in the master name index when, at a minimum, the Records Unit has access to the full name and address of the subject:

A. Victims/complainants of crimes and service calls;
B. Exceptionally cleared persons;

C. Persons arrested;
D. Persons issued criminal citations and traffic citations; and
E. Gun permit purchase and carry applicants;
F. All offenders, whether or not charged.

1-13-23 INDEX OF INCIDENTS BY SPECIFIC CRITERIA

This agency maintains a computerized file which contains the location of incidents by incident type, officer, and times.

This agency maintains a computerized file which contains the names of persons by name, and address.

1-13-24 INDEX OF STOLEN, FOUND, RECOVERED AND EVIDENTIARY PROPERTY

Hot-File Entries will take place in the following manner:

A. If officers take a report that requires a hot-file entry involving a person entry, motor vehicle entry, or firearm entry, this information should be provided to the dispatch center and they will make the entry immediately.
B. All other hot-file entry requests should be forwarded to records staff. These hot-file entries will be made during regular business hours.

Please keep in mind that we are not relinquishing our responsibility to maintain and/or confirm hot-files. We will still maintain a hot-file drawer, and officers will still be asked to provide hit confirmation as needed.

Certified personnel may make Hot File entries. Hot File entries are property and person entries made into Federal, State and local computers from police computer terminals.

The following are steps to be taken to ensure that Hot File information is promptly available to outside agencies:

A. Items with an available serial number or owner applied number that are reported stolen will be entered.
B. Officers taking reports of this nature will contact the Records Unit staff as soon as practical with the information needed to make the entry. An incident Report must accompany the request.
C. If a recovery is made by our department, the information will be forwarded to the Records Unit personnel as soon as possible so the item is removed from the computer. A follow-up report must accompany the request.

1-13-25 CRIMINAL HISTORY FILE

The Records Unit and Central Communication has immediate access to criminal histories on arrested persons through the following:

A. State Criminal Justice Information System
B. National Criminal Information
C. Agency maintained records and the department's computer system

Access to the State and Federal systems are limited to authorized and properly trained agency personnel.

1-13-26 PROCEDURES FOR MAINTAINING A WARRANT AND WANTED PERSONS FILE

Wants and warrants generated by this agency are entered and, upon cancellation or arrest of subject, removed from the MNCIS and NCIC computers by the Wright County Sheriff's Office and Wright County District Court. Updated lists of outstanding wants and warrants are received from the Wright County Sheriff's Office.

Wanted or warrant information will only be acted upon by this agency when the hit has been confirmed by the originating agency. Ordinarily, a teletype will follow a verbal confirmation.

Officers making warrant arrests are required to complete a Wright County Authority Detain Form and to place a copy of this form in the In-Basket.

1-13-27 PROCEDURES FOR MAINTAINING RECORDS OF TRAFFIC CITATIONS

The integrity of the justice system requires that records of citations and traffic citations are closely monitored. Accordingly, unissued hard-copy citations are maintained in a secured area within the police department. Citations issued by this agency, whether hard-copy or electronically generated, are cross-referenced by name of violator and citation number in the agency's computer system. Copies of the citation are distributed as appropriate to Wright County Court Administration, City/County Attorneys, and departmental files.

In any instance where it is necessary to void a citation or traffic citation, the appropriate form should be completed by the issuing officer for approval by department administration.

1-13-28 CRITERIA FOR RECORDING ARREST/CUSTODIAL INFORMATION

A. Officers will ordinarily accomplish the following when processing an adult custodial arrest:
    1. Complete an Incident report

2. Complete a detention form
3. Complete a Probable Cause Affidavit Report (PCAR) as outlined in this section.

B. Officers will ordinarily accomplish the following when processing a juvenile arrestee:
    1. Complete an Incident Report and/or a Notice of Juvenile Offense/ summons (arrest report for DUI)
    2. Complete a juvenile detention report if the juvenile is placed in juvenile detention or a shelter facility.
    3. Complete a Probable Cause Affidavit Report (PCAR) as outlined in this section.

C. Officers will do the following when taking a juvenile into protective custody:
    1. Complete a 72 hour hold form and complete the appropriate notifications as outlined on the form.
    2. Type a narrative report that outlines the incident and purpose for the placement
    3. Place the reports in a Red folder and process as an in-custody incident.
    4. Completion of reports for this section may not be delayed without approval from a supervisor.

D. Instructions for completing PCAR's

    1. A probable-cause affidavit report (PCAR) is required any time a person (adult or juvenile) is arrested and they will remain in custody, subject to the following explanation and exceptions. It is the responsibility of the officer to determine whether the person will be held and whether a PCAR will be required. A PCAR is required, when:
        a. The arrest is made on Friday, or before noon on Saturday;
        b. The arrest is made on Thursday, if Friday is a Holiday;
        c. The arrest is made on Sunday, if Monday is a Holiday;
    2. All PCAR's are to be completed and routed as soon as practical following the arrest. Additionally, PCAR's must be completed by the end of the officer's work-shift, unless explicit approval is granted from a supervisor to delay the completion of the PCAR.
    3. Whenever a PCAR is completed, the officer is required to print the PCAR to a PDF, and the PCAR is to be routed via e-mail as follows:
        a. Police Admin group, AND, as noted;
        b. If the arrest is made on Friday or before noon on Saturday, or the arrest is made on Thursday, if Friday is a holiday, or the arrest is made on Sunday before noon, if Monday is a holiday, e-mail the report to the Wright County Jail, at the appropriate e-mail address. The officer is

also required to contact the jail by phone to confirm that the affidavit was received. This is the preferred method of delivery for PCAR's.

c. If the arrest is for any adult charged with any misdemeanor, or any gross-misdemeanor traffic offense, send the PCAR to the City Attorney, at the appropriate e-mail address; OR

d. If the arrest is for any adult charged with any non traffic-related gross misdemeanor, any felony, or any arrest of a juvenile, the PCAR will be forwarded to the Count Attorney. The officer is not required to forward the report, however, as a copy of the PCAR will be forwarded to the County Attorney by the records department as outlined herein.

4. Supervisor Review:
   a. If the PCAR has already been reviewed by the Chief of Police, no additional action is required by the Sergeant.
   b. If the PCAR has not already been reviewed by the Chief of Police, the Sergeant is responsible for reviewing the report, ensuring that appropriate information is present, and that any discrepancies are resolved.
   c. Once the report is reviewed, the Sergeant should change the report status to ADMIN Review, create a task for the PCAR, and set that status to ADMIN Review.
   d. After completing the review and resolving any issues, the Sergeant will notify the Chief of Police via e-mail that the report has been reviewed and approved.
   e. If the Sergeant finds an un-resolvable discrepancy, or believes the arrest lacks probable cause, the Sergeant should contact and consult the Chief of Police. If the Chief of Police is unreachable, the Sergeant may make a determination as to additional actions to be taken, to include additional investigation, and/or release of the arrested subject. If the Chief of Police is unreachable, the Sergeant may consult with the appropriate prosecuting attorney for purposes of determining a proper course of action.
5. Chief Review:
   The Chief of Police or designee will review PCAR's and approve them for distribution.
6. Distribution:
   a. The records department will forward reports to the County Attorney, or to other destinations, as directed by the Chief of Police or his designee.
   b. If any modifications are made to a PCAR, which has been previously routed or distributed, the updated version will be forwarded as appropriate, and as outlined in this section. A message will be included with the new report indicating that it has been updated.

E. PCAR & Arrest Report Completion

1. PCAR: The probable cause affidavit report is intended to establish the legal basis for the arrest and detention. It is intended to be concise, but also to provide sufficient information for a judge to determine that the arrest was lawful, and to consider whether continued detention is necessary. The PCAR should include the following:
    a. The lawful purpose for officer involvement;
    b. A brief synopsis of the events, including the date, time and location;
    c. Sufficient detail to establish the criminal elements upon which the arrest was made (or upon which an arrest warrant is being sought);
    d. Any specific information related to the need for continued detention, including but not limited to the subject's criminal history, potential for being a flight risk, if the offender is a danger to himself/herself, and statements made that suggest the offender will engage in additional/continued criminal activity; and
    e. The disposition of the offender (i.e. transported to jail, issued a citation, pending formal complaint, etc.).
2. Arrest/Arrest Warrant - Narrative Report Completion: Reports related to custodial arrests, or incidents in which an arrest/complaint warrant is being sought, will be completed as outlined in this section.
    a. The officer will complete and disseminate the PCAR as outlined in this policy.
    b. The officer will complete an Arrest Report as follows:
        i. Using the appropriate template, the officer will type the Arrest Report.
        ii. The officer will copy the narrative section from the PCAR and insert this information into the Arrest Report in the appropriate section. If there is no PCAR, the officer should type "None" in this section.
        iii. The narrative portion of the Arrest Report should include all of the pertinent information related to the case, including the information covered in the PCAR, and the officer must ensure that the narrative report is consistent with the PCAR information. The narrative report must also include actions taken by other officers that establish the elements of the crime or the basis for arrest. Although those officers are still responsible for completing and submitting those reports, if another officer's actions or investigative efforts establish the elements of the crime and/or the basis for the arrest, the narrative report must include this information.
        iv. If the officer believes that dictating the arrest report would be more efficient, due to the length or complexity of the arrest report, or because they will incur overtime in order to complete the report, the officer may request permission from

a supervisor to dictate the report. Officers may not dictate arrest reports without preapproval from a supervisor. If an arrest report is dictated, the reports will be submitted in a Red Folder, and an email will be sent to the Police Administration group, indicating that an Arrest Report is pending transcription. Additionally, when the PCAR is submitted to the prosecutor, the officer must notify the prosecutor that the Arrest Report is pending transcription, and it will be forwarded as soon as possible. This process will also negate the opportunity for the officer to review the report prior to submission for prosecution.

v. Arrest Reports must be completed prior to the end of the officer's shift unless the supervisor authorizes a delay.
vi. An Arrest Report that is pending is considered a primary task for the responsible officer. Accordingly, to the extent possible, this task should take precedent over other calls for service or other responsibilities. Officers completing an Arrest Report should defer other calls for service to other on-duty officers if they are available. Overtime submitted for completion of Arrest Reports will be scrutinized in relation to this provision.
vii. Once completed, the Arrest Report status should be set to Submit for Approval.
viii. Supplemental reports related to arrests are not regulated by this section and should be completed as outlined elsewhere in policy.
ix. Arrest Reports that are pending transcription will take precedent over other reports to be transcribed.
x. In cases where there is no PCAR, forward an email to the Admin group noting the in-custody arrest, the case number, and that there is no PCAR.

c. Arrest Reports, like other police reports, are subject to Data Privacy laws and rules. These reports are only to be released, forwarded, or distributed as follows:
    i. By the Chief of Police;
    ii. By a Supervisor, when authorized by the Chief of Police;
    iii. By an officer, upon direct authorization by the Chief of Police or designee.

1-13-29 POSITIVE IDENTIFICATION SYSTEM FOR EACH PERSON CUSTODIALLY ARRESTED

The Records Unit, upon receipt of custodial booking information, will check the subject for a criminal history information through the national, state and local computer systems. Subject name is the basis for the computer search. Relevant information will be provided to the processing officer and added to the file, as appropriate.

1-13-30 RECORDS TO BE MAINTAINED IN AGENCY OPERATIONAL COMPONENTS

Operational sections will forward original copies to the Records Unit in a timely manner (daily). Copies of original reports will be returned to the appropriate section by the Clerical Division for follow-up as required.

Sensitive or confidential investigative reports (i.e., intelligence, vice, narcotics) are maintained by the Investigation Division and forwarded to the Records Unit upon closure. Reports of this nature which do not result in case files will remain in the Investigation Division until purged.

1-13-31 JUVENILE RECORDS ARE MAINTAINED SEPARATE FROM ADULT RECORDS

Juvenile records will be maintained in a file physically separate from adult records. Access to the juvenile records is restricted to designated staff and other personnel having a legitimate need to know.

1-13-32 COLLECTING AND SUBMITTING CRIME DATA TO NATIONAL UNIFORM CRIME REPORTING

Offenses committed in the City of Buffalo are forwarded by the Records Unit via computer to the State of Minnesota, Bureau of Criminal Apprehension (BCA), CJRS Section. The BCA compiles these statistics and completes the monthly UCR report which is then forwarded to the Uniform Crime Reporting Program.

1-13-33 CASES PRESENTED FOR PROSECUTION

1. The records department will be responsible for forwarding cases to the City or County Attorney for review for charges, based on a request from the Chief of Police or designee.

   When officers have a case that officers would like to have sent to an attorney for review and officers have special instructions, officers can create a note in the report task.

2. The Records Unit routinely collects data on the disposition of cases from the following sources:
   a. County Attorney's Office

b. Wright County Courts
c. City Attorney's Office

This information is available to agency personnel to determine case status and property disposition, as necessary.

Statistical information may be developed from this data which is helpful in identifying potential procedural problems based on the number and type of cases declined or dismissed.

Effective: 01/25/2019	Reevaluation Date: JANUARY 2024

1-14 REGIONAL SERVICES

1-14-1 PURPOSE

To codify the availability and use of statewide systems for members of the Buffalo Police Department.

1-14-2 POLICY

This department seeks to enhance the delivery of its law enforcement services through participation in existing statewide police assistance systems.

1-14-3 PROCEDURES

1-14-4 ACCESS TO STATEWIDE RADIO SYSTEM

A statewide emergency radio frequency is available on channel four (4) of all department VHF mobile and portable radios.

1-14-5 STATEWIDE FINGERPRINTING RECORDS SYSTEM

A computerized statewide fingerprinting system is available for department use. This system, the Minnesota Automated Fingerprinting Identification Network (MAFIN), is utilized as required through the Minnesota Bureau of Criminal Apprehension.

1-14-6 STATEWIDE CRIMINAL INFORMATION SYSTEM

This agency belongs to and complies with the Minnesota Criminal Justice Information System (MINCIS).

1-14-7 STATEWIDE CRIME REPORTING SYSTEM

This agency participates in the Minnesota Uniform Crime Reporting Standards (UCR) system.

BUFFALO POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

Effective: 01/25/2019	Reevaluation Date: JANUARY 2024

1-15 RELEASE OF RECORDS

1-15-1 PURPOSE

The Buffalo Police Department is held strictly accountable for release of criminal history record information (CHRI), non-criminal history record information (NCHRI), and the internal privacy and security of records information.

We must prevent misuse of criminal history information, safeguard right to privacy of individuals, and provide essential law enforcement informational needs. Restricting dissemination of criminal history and other records is imperative to keeping them from unauthorized persons and use.

1-15-2 POLICY

The Buffalo Police Department is committed to openness in matters of public interest, yet must safeguard individual rights by preventing unauthorized use of official records. The Department releases records as permitted by law and the procedures detailed in this General Order.

1-15-3 PROCEDURES

1-15-4 DISCLOSURE OF RECORDS

Release of records is regulated by federal law, Minnesota Revised Statutes, NCIC and State Law Enforcement Information System regulations, and the procedures herein. Ensure that records are released only as allowed.

1-15-5 PERSONAL IDENTIFICATION

Persons requesting criminal records must show positive proof of their identification. Non-criminal justice personnel are requested to go through the Minnesota Bureau of Criminal Apprehension for personal criminal history information and/or records.

1-15-6 RELEASING CRIMINAL HISTORY RECORD INFORMATION (CHRI)

Do not disseminate criminal history record information to any person or agency outside strict definition of criminal justice agency for the purpose of administration of criminal justice. Dissemination includes oral, printed or computer-to-computer communication.

1-15-7 DEFINITIONS OF RECORDS TERMS

A. **Administration of Criminal Justice** - Performance of any of the following activities: detection, apprehension, detention, pretrial release, post trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders; criminal identification; or collection, storage, and dissemination of criminal history record information.

B. **Criminal History Record Information (CHRI)** - Information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, information, or other formal criminal charges, and any disposition arising, sentencing, correctional supervision and release.

C. **Closed Records** - Arrest records and computer entries of them for a (1) person arrested but not charged within 30 days after the arrest; and (2) person arrested and charged, but case is subsequently handled *nolle prosequi*, dismissed, or the court finds the person not guilty.

D. **Open Records** - Arrest records and computer entries of them (1) for the first 30 days following arrest; (2) for a person arrested and charged, but case has not been adjudicated; and (3) for a person who is convicted for offense resulting from arrest.

1-15-8 RELEASING CHRI TO CRIMINAL JUSTICE AGENCIES

Officers may release open or closed criminal history records to employees of criminal justice agencies for purposes of administration of criminal justice.

A. **Requests in Person** - When employees contact officers in person, check positive proof of their identification by agency ID card, badge, etc.

B. **Requests by Mail** - When officers receive requests by mail, ensure they are on official stationery of requesting agency and signed by proper authority.

C. **Requests by Telephone** - When officers receive requests by telephone, the Department requires a "call back." Get the employee's name, agency and agency telephone number. If the caller is not personally known to officers, verify the agency telephone number before call back.

1-15-9 PERSONS CHECKING OWN RECORD

All requests will be referred to the proper prosecuting attorney's office (i.e. - city attorney, county attorney). For criminal history information, persons will be referred to the Minnesota Bureau of Criminal Apprehension for records check.

1-15-10 RELEASING CHRI TO PRIVATE INQUIRERS

All requests will be referred to the proper prosecuting attorney's office (i.e. - city attorney, county attorney). For criminal history information, persons will be referred to the Minnesota Bureau of Criminal Apprehension for records check.

1-15-11 RELEASING NON CRIMINAL HISTORY RECORD INFORMATION (NCHRI)

Do not release information about juveniles, identity and description of criminal assault victims, or names of deceased persons until the Department notifies next-of-kin.

1-15-12 RELEASING FIELD REPORTS

Generally, officers may allow review and release copies of offense reports, traffic accident reports (only persons listed on the report). All requests will be referred to the proper prosecuting attorney's office (i.e. - city attorney, county attorney). Block out names of victims, witnesses and suspects before review or release (if required).

1-15-13 RELEASING ADMINISTRATIVE REPORTS

Do not release administrative reports except by direct authorization of the Chief of Police.

1-15-14 PURCHASE OF RECORDS

The Department handles requests for copies of reports and photographs in person or by mail. If the request is in person, collect the fee before preparing copies of reports. The Department prefers checks or money orders, but will accept cash.

1-15-15 RECORDS FEE SCHEDULES

The Department details fee schedules for reports and photographs.

NOTE: We do not charge a fee for copies of records to employees of criminal justice agencies.

1-15-16 FUNDS RECEIVED

The Department authorizes specific persons to receive money for records. Funds received shall be processed in the following manner:

A. **Receipt** - Immediately furnish a receipt to persons buying reports and photographs in person, and enclose receipts with mail requests.
B. **Security and Deposit** - Keep monies received in the cash box and deposit it regularly, following official procedures.
C. **Audits** - The Chief of Police will direct periodic audits of this process.

1-15-17 INTERNAL PRIVACY AND SECURITY

1-15-18 COMPUTER PRINTOUTS

Scrupulously guard records information on computer printouts and prevent unauthorized disclosure of CHRI. Do not copy original printouts. Destroy original printouts when officers no longer need them.

1-15-19 RECORD CHECKS BY RADIO

Do not broadcast specific criminal history data on individuals from manual or computerized files via voice radio. However, officers should broadcast information as needed to help ensure the immediate *safety* of officers.

EXAMPLES: Weapons, previous assaults on officers, etc.

1-15-20 PRESS RELEASE PROCEDURES

All releases of information for press/media will be prepared by the Chief of Police or designee, and will be made available to the media through Communication/Clerical personnel or the Chief of Police.

All authorized press releases and department information will be equally available to all news media.

1-15-21 REVIEW OF DEPARTMENT RECORDS AND INFORMATION

The department recognizes a strong public policy interest favoring the right of inspection of public records and documents maintained by the police. Records, data and information will be made available to requesting individuals or agencies in accordance with the Minnesota Government Data Practices Act (MGDPA).

A. Release of Information Regarding ongoing Criminal Investigations:
   Any release of information regarding an ongoing criminal investigation must be approved by the Chief of Police, or designee. Specifically, agency members will not release the following without express authorization:
   1. The prior criminal record, character or reputation of the accused;
   2. Mug-shots of the accused;
   3. Existence of any confession, admission of guilt, or statement made by the accused or the failure or refusal by the accused to make a statement;

4. The results of any examination or tests conducted or refusal by the accused to submit to any tests or examinations;
5. The identity, testimony or credibility of any prospective witness;
6. Any opinion of agency personnel regarding the guilt or innocence of the accused;
7. Any opinion of agency personnel regarding the merits of the case or quality of evidence gathered;
8. Personal information identifying the victim or;
9. Information identifying juveniles, or information received from other law enforcement agencies without their concurrence to release that information.

However, with proper authority certain information is classified as public by MGDPA and may be released prior to trial of an accused person, including:

1. Time, date and place of the action;
2. Any resistance encountered by the agency;
3. Any pursuit engaged in by the agency;
4. Whether any weapons were used by the agency or other individual;
5. The charge, arrest or search warrants, or legal basis for the action;
6. The identities of the agencies, units within the agencies and individual persons taking the action;
7. Whether and where the individual is being held in custody or is being incarcerated by the agency;
8. The date, time and legal basis for any transfer of custody and the identity of the agency or person who received custody;
9. The date, time and legal basis for any release from custody or incarceration;
10. The name, age, sex and last known address of an adult person or the age and sex of any juvenile person cited, arrested, incarcerated or otherwise substantially deprived of liberty;
11. Whether the agency employed wiretaps or other eavesdropping techniques, unless the release of this specific data would jeopardize an ongoing investigation;
12. The manner in which the agencies received the information that led to the arrest and the names of individuals who supplied the information unless the identities of those individuals qualify for protection under other provisions of MGDPA; and
13. Response or incident report number.

B. Release of Information Generally:

The MGDPA controls the release of information from police agencies. Frequently, department members authorized to release information will be unsure about the appropriateness of releasing a specific piece of information. In these instances, it clearly

protects several public policy interests to courteously decline the request pending a prompt determination from the Chief of Police, or designee, and/or the County Attorney's Office on whether the information should be released.

The procedures for this process is:

1. Requesting person will be asked to submit a written request identifying the record or document desired and why;
2. This request will be promptly approved or denied by the Chief of Police, or designee, and/or the County Attorney's Office, as appropriate;
3. If approved, the inspection will be granted as requested;
4. If denied, the requesting person will be advised in writing of why the request was denied and their opportunity to seek a court order should they still insist on inspection;
5. Approval of inspection of part of a record or document is an available option.

Other considerations which affect the decision to release information include:

1. Possible adverse impact on a successful prosecution;
2. Possible adverse affect on police investigation/prevention techniques; and
3. Possible adverse affect on cooperation of informants, complainants or the public generally.

Additionally, certain records and documents are precluded from public inspection by statute and warrant special mention, including:

1. Juvenile Records: Requests for inspection of juvenile police records, excluding the identity of the child involved, may be granted to representatives of newspapers or other reporters of news who wish to obtain information for the purpose of reporting news. However, this section will not be invoked if the offense is a traffic violation.
2. Attorney/Client: Certain information contained in public records and documents in the department is protected by the attorney/client privilege, or by the attorney's work product rule, and may be protected from release. Each request for information which may be protected by the attorney/client privilege will be discussed with the attorney responsible for the particular case involved.
3. Identity of Persons Under Suspicion: Any revelation of the identity of a person suspected of unlawful activity before arrest or other commencement of lawful proceedings is contrary to Federal and State Law.
4. Privacy of Personnel Records: Do not release any information contained in records concerning departmental personnel. These records often contain materials concerning financial, medical, social, personal history data, past work evaluation or current job evaluations that are secured upon a pledge of

confidence. Release of these records would hamper efforts of the department to collect all the information necessary to properly evaluate its personnel. Disclosure of such information may also unduly damage reputations of persons named in such reports.

1-15-22 COORDINATED INFORMATION RELEASE WITH OTHER AGENCIES

Frequently, information to be released to the public is shared by two or more public service agencies involved in a mutual effort. This could include a fire department, coroner's office or county sheriff's office. In these instances, coordination with other concerned agencies will be accomplished prior to releasing information to determine the agency with primary jurisdiction. The agency with primary jurisdiction will be responsible for the release of information.

1-15-23 INSPECTION OF PUBLIC RECORDS AND DOCUMENTS

The public has an abiding interest in law enforcement and other general activities of the Department. The news media and members of the public frequently direct inquiries to the Department to fulfill such requests; however, the decision to release information will be determined according to the facts of each case in accordance with the guidance contained herein:

1-15-24 PUBLIC RECORDS OF DOCUMENTS WHICH WILL BE RELEASED

In recognition of the declaration of strong public policy favoring the right of inspection of public records and documents by members of the public embodied in Federal Law and State Statute, all public records and documents in the Department shall be available for public scrutiny unless such public records and documents warrant special consideration before release by the Chief of Police or designee in compliance and accordance with the following provisions.

1-15-25 PERSONS WHO MAY CONSIDER REQUEST FOR PUBLIC INSPECTION

The Chief of Police or designee will consider requests for the inspection of public records and documents in the custody of the Department. All information concerning policy and procedure will originate from the Chief of Police. Budget requests and logistical information will be released only by the Chief of Police. All comments referring to inter-departmental memos, orders and communications will originate from the Chief of Police.

Plans, personnel matters and prepared releases concerning specific news items will be released pursuant to the permission from the Chief of Police.

Personnel photographs (and photographs of arrested persons) will be released only by permission of the Chief of Police. Investigative photographs will be released by the Chief of Police or designee.

The Chief of Police may decide that information relating to cases which may involve potential civil liability to the City should be held until a review and approval has been obtained from the City Attorney's Office.

1-15-26 PUBLIC RECORD OR DOCUMENT SPECIAL CONSIDERATION PROCEDURE

When inspection of any public record or document containing information of any kind listed below is requested by a member of the public, the Chief of Police or designee shall give special consideration to the competing public interests favoring inspection or non-inspection before permitting the release of the requested public record or document.

The term "special consideration" as used herein shall include answering the following question: "Would inspection of the desired public record or document result in harm to the public interest that would outweigh any benefit to the public that would result from the inspection?"

If in considering the above question and the public policies involved, the releasing officer finds the answer to be "no", inspection shall be immediately granted. However, if initial consideration of the request reveals a cognizant public policy reason favoring non-disclosure, the person requesting inspection of the public record or document should be orally advised of the reason why it initially appears that inspection cannot be allowed, and if after being so advised the person requesting the document still desires to view the same, the person shall be requested to present a formal written request to the Chief of Police, identifying the specific record or document requested and any additional public policy reasons or considerations that favor inspection of the desired public record or document.

If, after consideration of the written request and a further consideration of all public policies involved, the answer to the special consideration question is "no", inspection shall be granted. However, if after special consideration the answer to the special consideration question is "yes", and inspection is thus denied, the person requesting inspection shall be advised in writing of precisely how the public will be potentially harmed by the disclosure of the contents of some or all of the said public records or documents. In any event, all remaining portions of any such record or document, the release of which will not be harmful to the public good, shall be released.

1-15-27 PUBLIC POLICIES RELATING TO REQUESTS FOR INSPECTION OF PUBLIC RECORDS AND DOCUMENTS WARRANTING SPECIAL CONSIDERATION

Request for inspection of public records or documents containing any of the following categories of information shall warrant special consideration of the competing public policies involved before disclosure by the authorized officer. Some public policies favoring non-disclosure of certain information follow:

A. Avoid releasing pre-trial publicity that may tend to diminish the accused's right to a fair trial:

The compelling public policy favoring right of an accused to a fair trial, free of prejudicial pre-trial publicity, make "special consideration" of certain types of information contained in otherwise public Police records mandatory before any of such information may be released to the public.

The types of information listed in paragraphs 1-7 below, if disclosed prior to trial, may tend to prejudice and thereby diminish the accused individual's rights to a fair trial. The types of information withheld prior to trial to accommodate the accused's right to a fair trial may be available for release after final disposition of the case, unless other cogent reasons outweigh the public right of disclosure.

However, certain information may be released prior to trial, including: The arrested person's name, age, residence, employment, marital status and similar background, as well as the charge; information summarizing the offense or charge such as listed on the court complaint will be released, the circumstances immediately surrounding an arrest including time and place of arrest, resistance, pursuit and possession or use of weapons. (Release of Police techniques, use of alarms, surveillance, informants, etc., will receive "special consideration" as provided by General Order 72.

Consider the foregoing public policy reasons relating to pre-trial publicity when weighing the consequence of releasing the following types of information prior to final disposition of the case. (Included in parentheses are additional possible public policy reasons for retaining particular subject matter types of information which are not related to the public policy associated with "pre-trial publicity" which may be separately considered).

1. Statements as to character or reputation or criminal or arrest records of an accused person or prospective witness which, if made public, may tend to prejudice and thereby diminish the accused individual's right to a fair trial.

(Possible additional reasons not related to the "pre-trial publicity" area of public concern; public disclosure may unduly damage reputation:)

2. Admissions, confessions or contents of a statement of alibi attributable to an accused person which, if made public, may tend to prejudice and thereby diminish the accused individual's right to a fair trial.
3. The performance or results of any examination or laboratory tests or the accused's refusal to submit to an examination or laboratory test which, if made public, may tend to prejudice and thereby diminish the accused individuals' right to a fair trial.
4. Statements concerning the credibility or anticipated testimony of prospective witnesses which, if made public, may tend to prejudice and thereby diminish the accused individual's right to a fair trial.

   (Possible additional reasons not related to the "pre-trial publicity" area of public concern:

   a. Possible witness harm or harassment
   b. Possible interference with ongoing criminal investigations)
5. The possibility of a plea of guilty to the offense charged or a lesser offense, or other possible dispositions of the case which, if made public, may tend to prejudice and thereby diminish the accused individual's right to a fair trial.
6. Opinions concerning evidence or argument in the case, whether or not it is anticipated that such evidence or argument will be used at the trial which, if made public, may tend to prejudice and thereby diminish the accused individual's right to a fair trial.

   (Possible additional reasons not related to the "pre-trial publicity" area of public concern:

   a. Possible interference with ongoing criminal investigation
   b. Public disclosure may unduly damage reputation)
7. Opinions expressed by investigating officers which, if made public, may tend to prejudice and thereby diminish the accused right to a fair trial.

   (Possible additional reasons not related to the "pre-trial publicity" area of public concern):

   a. Possible interference with ongoing criminal investigation
   b. Public disclosure may unduly damage reputation

B. Retain information relating to Police investigation and prevention techniques:
   The public interest is best protected if the criminal element included within the general is not forewarned of Police activities. Thus, "special consideration" should be given

before public disclosure of any record or document relating to, i.e., investigative procedures or crime prevention techniques.

1. Reference to investigative procedures relating to fingerprints, polygraph, blood alcohol tests, ballistics or other laboratory procedures and conclusion and methods.
2. Police techniques such as surveillance's and the use of informants, alarms, time tables for transactions or transportation of valuables.

C. Consider adverse effect once litigation has been commenced:

Consider the possible harm to the public good that may result from the release of Police information that may diminish the chance of a successful prosecution. Discuss such possible harm with the office of the prosecuting attorney. The public is entitled to be protected against violations of law and to have the law vigorously enforced. Special consideration to the possible harmful effect to the public's trust to be protected against crime shall be given to all requests for information, the release of which may be harmful to the public welfare. Only limited discovery of Police information and witnesses is permitted by law prior to trial. Information contained in Police public records and documents concerning pending proceedings of which the City or State is a party, shall only be released upon court order or in compliance with law of criminal and civil discovery, after consultation with the attorney representing the City or the State in the proceedings.

D. Consider the possible harm to the public good that may result from the release of information that may hamper continuing Police investigations:

Any information concerning or able to be used in a continuing investigation of a Police matter shall receive "special consideration". Not only is there a possibility of prejudice to the potential defendant's right to a fair trial but also a possibility that premature release of this type of information may hamper Police Officers in the swift investigation of the case. Descriptions of wanted and missing persons and other current Police incidents will be released when the release of such information to the public may aid in the solution of the problem, alert the public to possible danger, or aid in prevention of incidents. However, descriptions of missing persons will receive "special consideration" unless the consent of the family for public disclosure has been obtained.

E. Identity of informants, complainants, witnesses and victims:

Only with the cooperation and support of the public are Police Officers able to perform their functions, within our community. Officers must continually rely upon the reports

and subsequent testimony of concerned citizens to identify Police-related problems and, especially, to abate criminal activity. Most persons who provide information to the Police Department do so with an expectation of confidentiality, unless their testimony is necessary at trial. Individual citizens are often reluctant to assist a department if the notoriety and possible embarrassment of public disclosure is a certainty.

A chilling effect on citizen assistance, though hard to measure, would surely result from general and indiscriminate public disclosure of the identity of persons who assist the Police Department in this manner. So, too, an informant, once revealed, ceases to perform as an adjunct to the task of Police enforcement. Additionally, those persons would be unnecessarily subjected to the increased possibility of harassment and retaliation.

"Special consideration" should be given any information concerning the identity of informers, complainants and witnesses to protect those citizens who assist Police from embarrassment, to protect their safety and to encourage citizen participation in Police activities. The names of victims of criminal acts may be released except where the identification of the person will endanger the individual's safety, hamper further investigation, is contrary to law, or request for non-disclosure is made by the victim.

F. Consider other appropriate non-listed reasons for "special consideration":

The above enumeration of information categories which should receive "special consideration" is not intended to be exhaustive. Because of the unique nature of each fact situation, the releasing officer must in each case make an individualized judgment concerning the information requested. In weighing the competing public policy interest, the releasing officer may find that, in view of a particular fact situation, certain information not herein enumerated may warrant "special consideration". In that event, the releasing officer shall follow the procedure set forth herein for that information specifically enumerated as warranting "special consideration".

1-15-28 PUBLIC RECORDS OR DOCUMENTS WHICH MAY NOT BE RELEASED

Public Records and documents are made confidential and precluded from public inspection by statute. In the following instances, inspections may not be granted to the public:

A. Juvenile Records:

Requests for inspection of juvenile Police records, excluding the identity of the child involved, may be granted to representatives of newspapers or other reporters of news

who wish to obtain information for the purpose of reporting news. However, this section will not be invoked if the offense is a traffic violation.

B. Attorney/Client:
Certain information contained in public records and documents in the Department is protected by the attorney/client privilege, or by the attorney's work product rule, and may be protected from release. Each request for information which may be protected by the attorney/client privilege shall be discussed with the attorney responsible for the particular case involved.

C. Do Not Release the Identity of Persons Under Suspicion:
Any revelation of the identity of a person suspected of unlawful activity before arrest or other commencement of lawful proceedings is contrary to Federal and State law.

D. Retain the Privacy of Personnel Records:
Do not release any information contained in records containing departmental personnel. Said records often contain materials concerning financial, medical, social, personal history data, past work evaluation or current job evaluations that are secured upon a pledge of confidence would hamper efforts of the Department to collect all the information necessary to properly evaluate its personnel. Disclosure of such information may also unduly damage reputations of persons named in such reports.

BUFFALO POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

Effective: 01/25/2019	Reevaluation Date: JANUARY 2024

1-16 TRAINING DISCRIMINATION

1-16-1 PURPOSE

Continuing education sponsors who seek approval of a course for continuing education credit must have written procedures for the investigation and resolution of classroom discrimination complaints. According to POST's administrative rules, MN Rules 6700.0100, Subpart 25, classroom discrimination is defined as:

> [A]n act or comment of prejudice by a faculty member, staff person, or student which relates to race, gender, creed, age, color, religion, national origin, marital status, physical disability, mental disability, or characteristics identified as sexual orientation, and that offends another.

This rule's purpose is rooted in the philosophy that all education approved by the POST Board is taught in a non-offensive pluralistic environment.

Peace officer continuing education expands the peace officer's own knowledge and experiences. It is imperative that the environment for this education has an atmosphere which is multi-ethnic, multi-cultural, and gender fair.

1-16-2 POLICY

Complaints will be handled in a prompt, just, open, and unbiased manner in accordance with these procedures. Copies of these procedures will be given by the Chief of Police or designee to all staff who provide internal training. Additionally, all students will be advised of this policy at internal trainings, advised that a copy of this policy is available upon request, and that all complaints and inquiries should be directed to the Chief of Police.

1-16-3 PROCEDURES

1-16-4 DEFINITIONS

For the purpose of this procedure, the following terms have these meanings:

A. Classroom Discrimination means an act or comment of prejudice by staff which relates to race, gender, creed, age, color, religion, national origin, marital status, physical disability, mental disability, or characteristics identified as sexual orientation, and that

offends another.

B. Complainant means the person or group who files a complaint with the continuing education sponsor alleging classroom discrimination by staff members or the continuing education coordinator.

C. Complaint means a statement which is made to a course supervisor, in writing, in person, or by phone which alleges classroom discrimination.

D. Coordinator means the person who is responsible for supervising a continuing education course while it is being conducted.

E. Director means the person in charge of the training or education program.

F. Exonerated means a fair preponderance of the evidence established either that:

1. The act, or acts, complained about did not occur;
2. The member(s) named in the complaint were not involved in the alleged misconduct; or
3. That the act(s) which provided the basis for the complaint occurred, however, the investigation reveals that such act(s) were justified, lawful, and proper.

G. Member means a faculty or staff member, or a student.

H. Not Sustained means the investigation failed to disclose sufficient evidence to prove or disprove the allegations made in the complaint.

I. Policies and Procedures means the administrative acts promulgated by the course sponsor regulating conduct of faculty members.

J. Sustained means a fair preponderance of the evidence obtained in the investigation established that the accused member's actions constituted a violation of this procedure.

1-16-5 INITIATING A COMPLAINT

A. Anyone who is not a member and has personal knowledge of the facts giving rise to the complaint may file a classroom discrimination complaint. Any member who has personal knowledge of classroom discrimination must file a complaint according to these procedures.

B. All complaints must be directed to the coordinator of the continuing education program. Upon receiving any complaint, the coordinator must immediately initiate a memo to the director.

C. If the person filing the complaint sets forth specific believable facts relating to the

classroom discrimination and the person wishes to remain anonymous, the coordinator of the course receiving the information will then become the complainant. If the coordinator has reason to believe that the complaint is unfounded, the coordinator must have the authority to require the person to identify himself or herself. If the person refuses to do so, the coordinator may refuse to initiate a complaint and must advise the anonymous person of that fact.

D. After a complaint is filed, the coordinator must sign it, give or mail a copy to the complainant, and furnish a copy to the director. The director must forward a copy of the document to the accused member, only after it is determined that the complaint does not allege a criminal violation and the notification will not impede a criminal investigation.

E. A complainant may be accompanied by an attorney or other appropriate representative at the time a complaint is filed or at any other stage of the process.

1-16-6 COMPLAINT INVESTIGATION

A. Upon receipt of the complaint, the director must make an initial determination whether the facts alleged warrant a formal investigation. In making this determination, the director may meet informally with the complainant, faculty or staff member, student member or any potential witness. If the director decides that an investigation is not warranted, the disposition of the complaint must be either not sustained or exonerated. The complainant must be notified of this decision and the basis for determination. Also, the accused member must be notified. If the complainant supplies additional information within 30 days of the determination, the director may reverse this decision.

B. If the director determines that a formal investigation should be conducted, he or she must assign the appropriate person to investigate the complaint. The investigation may be assigned to an external agency where there is the potential conflict of interest.

C. The investigator must, as soon as possible, after being assigned to the investigation, inform the complainant of the investigator's name, business phone number and the status of the complaint.

D. The investigator must thoroughly investigate all classroom discrimination contained in the complaint. If the investigation uncovers other alleged classroom discrimination by another faculty member, staff member, or student, the investigator must initiate a complaint against that person.

E. All faculty, staff members, and students, including the accused member, must cooperate with the investigation. Failure to cooperate may be basis for disciplinary

action.

F. The investigator must do a report which contains all relevant information, organized into the three following sections:

1. Allegations – This section must consist of an itemized summary of the acts of classroom discrimination alleged in the complaint. Reference must be made to those rules, procedures, orders, statutes, or constitutional provisions that would be violated if the allegations were taken as true.
2. Investigation – This section must consist of a chronological summary of the investigation, including all pertinent facts obtained through interviews with witnesses. Written statements, description and analysis of any physical evidence, and all other relevant information must be included.
3. Conclusion(s) – This section must include the investigators findings, conclusions as to whether any classroom discrimination occurred, and the underlying reasons for the findings and conclusions. These conclusions will not be binding on the director.

G. The investigation will be concluded within thirty days of the filing of the complaint, unless an extension is granted by the director for good cause. The complainant must be informed of any extension of time and the accused member will also be informed if he or she was informed pursuant to section III.D.

1-16-7 INVESTIGATION REVIEW AND DISPOSITION

A. Upon completion of the investigation, the investigator must submit his or her report and all investigative notes to the director. If the director determines the investigation was not adequate, the director must make one of the following dispositions: Exonerated, Not Sustained, or Sustained.

B. The director must be informed of this decision and the accused must also be informed if he or she was informed pursuant to section III.B.

C. If the complaint is either exonerated or not sustained, the director must immediately notify the complainant and the accused member of the disposition.

D. If the complaint is sustained, the director must take appropriate disciplinary action. Such action must be based on the investigative report and the accused member's record of service. This action will be in conformance with any applicable collective bargaining agreement, contract or other rules or regulation relating to discipline of members. The disciplinary action may include counseling, remedial education, an oral reprimand, a written reprimand, suspension with or without pay, demotion or discharge.

E. After selecting the appropriate disciplinary action, the director must issue a Findings of Fact which must minimally contain the following information:

1. A summary of the act or acts constituting misconduct and the specific statutes, policies, regulations and procedures violated;
2. A description of the disciplinary or remedial action taken to prevent recurrence of the misconduct; and
3. Any additional information as the director may find applicable to accurately document the disposition.

F. Prior to the implementation of remedial and/or disciplinary actions, the accused member will be provided with a copy of the Findings of Fact. The director and/or appropriate supervisor shall review it with the accused member and explain the reasons for the action.

G. The complainant shall also be given a copy of the Findings of Fact.

H. When a sustained disposition is final, the accused member may appeal the disposition according to the member's collective bargaining agreement or if applicable, through the Veteran's Preference Act.

I. The director may suspend an accused member with pay at any time during the investigation of a complaint.

1-16-8 DOCUMENTATION

The data generated by this process will be maintained and disseminated in accordance with the Minnesota Governmental Data Practices Act.

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1-17 TRAINING

1-17-1 PURPOSE

Training has often been described as the best tool available for law enforcement. Failure to train, inadequate or improper training has become a critical liability issue for many agencies. The State of Minnesota has established mandatory minimum basic training requirements and sworn employees must be certified.

To supplement the mandatory basic curriculum, the Buffalo Police Department provides added formal training and supervised field experience. The Department gives in-service training to maintain, update and improve necessary knowledge and skills.

1-17-2 POLICY

The Buffalo Police Department makes adequate training available to prepare employees for their specific duties and responsibilities. The Department complies with all training requirements and certification as mandated by law.

1-17-3 PROCEDURES

1-17-4 DEFINITIONS

A. **ADVANCED TRAINING:** Training often held outside the agency and designed to impart higher level supervisory and management skills to participants. Participants who are most often chosen for such training possess above average leadership skills. Example of advanced training programs are those provided by the FBI National Academy, the Southern Police Institute, and the Northwestern University Traffic Institute.
B. **FIELD TRAINING:** A structured and closely-supervised program provided to recruit officers to facilitate the application of skills and knowledge obtained in the academy/classroom to actual performance in on-the-job situations.
C. **FIELD TRAINING OFFICER (FTO):** An officer who has been carefully selected and trained to deliver the Field Training Program to recruit officers.
D. **IN-SERVICE TRAINING:** Training in addition to recruit training, which may include periodic retraining or refresher training, specialized training, career development, promotional training, advanced training, and roll-call training.

E. **RECRUIT TRAINING:** The orientation of new officers to their jobs and the development of basic law enforcement skills.
F. **REMEDIAL TRAINING:** Personalized training to correct a specific deficiency, which is usually identified by either (1) testing or other evaluation during training or (2) supervisory evaluation during routine job performance.
G. **ROLL-CALL TRAINING:** Training or information sessions of short duration administered to law enforcement officers just prior to, or after, their tour of duty.
H. **SPECIALIZED TRAINING:** Training to enhance skills, knowledge and abilities beyond the level taught in either recruit or other in-service programs. Specialized training may address supervisory, management and/or executive development training and may also include technical and job-specific subjects (i.e., homicide investigation, fingerprint examination, juvenile investigation, etc.).
I. **TRAINING OFFICER:** Department member appointed by the Chief of Police to coordinate agency training functions.

1-17-5 TRAINING GOALS

Training of personnel is one of the most important responsibilities of any law enforcement agency. The primary goal of all department training is to enhance the level of law enforcement services provided to the community. In support of this goal, training should serve these broad purposes:

A. To better prepare officers to act decisively and correctly in a broad spectrum of situations.
B. To promote greater job productivity and effectiveness; and
C. To foster cooperation and unity of purposes.

Specific objectives for training programs will be established annually, to include, but not limited to the following areas:

A. Identify and prioritize specific training needs within the agency
B. Identify training resources within and outside the agency able to meet those needs.
C. Type and number of subjects to be instructed internally and by outside resources.
D. Number and classification of personnel to receive training in specific subjects.
E. Assessment of and recommendations for Equal Opportunity and Affirmative Action Programs.
F. Identification of methods for evaluation of training programs.

1-17-6 TRAINING FUNCTION

The agency training function serves the following training requirements:

A. <u>Sworn Personnel</u>
New Employee Orientation
Recruit Training
Remedial Training

Roll-Call Training
Field Training Officer Training
Advanced Training
Specialized Training
In-Service (POST) Training

B. Non-Sworn Personnel
New Employee Orientation
Specialty Training
Annual Re-training

1. Records maintenance on all department personnel receiving training.
2. Publicizing available training, processing training requests, and advising agency members of training opportunities.
3. Coordinating with department supervisors on training schedules.

1-17-7 TRAINING PROGRAM DEVELOPMENT

There are many sources of information and data within the agency to assist in training program development. The following resources are available to the personnel:

A. Staff reports, staff meeting/minutes
B. Training reports and training records
C. Consultation with field personnel and field observations
D. Training and performance evaluations
E. Internal affairs investigative reports
F. Inspection reports
G. POST publications and guidelines
H. Law enforcement publications
I. Community and intra-department surveys
J. Chief executive guidance and participation

The department will use these resources, the department training budget, the results of training program evaluations, and department training goals/objectives to develop appropriate training program recommendations,

1-17-8 TRAINING MANAGEMENT

The Buffalo Police Department sets high training standards to ensure that our employees are professional, competent and capable of providing services expected by the public. The role of police officer is constantly changing, so instruction and basic materials must meet the challenges of society.

1-17-9 TRAINING RESPONSIBILITY

The Chief of Police, or an officer the Chief assigns, manages and coordinates training for sworn and non-sworn employees of the Buffalo Police Department. Employees achieve formal training in structured classroom programs, and the Chief and supervisors guide day-to-day proficiency.

1-17-10 TRAINING PROGRAMS

The Department designs training programs to give coordination and unity of purpose, maximum effectiveness and efficiency, and skills and knowledge so employees may take correct and decisive action. We encourage employees to actively participate in training programs to maintain effective performance throughout their career.

1-17-11 REVIEW OF TRAINING PROGRAMS

There will be an annual review of training programs to assure they meet agency needs and legal requirements and conform to agency policies. The process will include:

A. Review of new laws, POST guidelines, court decisions, and department directives.
B. Evaluation of current program success in meeting agency goals and objectives.
C. Analysis of other resources such as inspection reports, training evaluations, intra-department surveys, training officer reports, citizen complaints/requests, and recommendation from department and city staff.
D. Identification of problems associated with physical facilities, materials or scheduling.
E. Review of the number of people trained and extent of training provided.
F. Ensuring necessary updating of training programs is implemented.

1-17-12 TRAINING BASED ON JOB TASK ANALYSIS

The curricula of in-house training programs will be closely related to actual job requirements. This will be accomplished through periodic job task analysis conducted by the personnel department as directed by the City Administrator.

Based on informal surveys and interviews, the Chief of Police or designee may update job task analysis between formal evaluations as required.

1-17-13 REMEDIAL TRAINING

Remedial training is designed to correct deficiencies in skills, knowledge and abilities necessary to perform the responsibilities of various assignments.

Any time an agency member's immediate supervisor believes that remedial training is required, the supervisor will specify in writing why the training is required and what training may be appropriate. This recommendation will be submitted to the Chief of Police.

If the deficiency is organizational and correctable through training, the Chief of Police will devise an approved training solution within thirty days.

If the deficiency is strictly individual in nature, the Chief of Police will devise a training solution within ten workdays, or enroll the employee in the next available appropriate course.

Attendance is mandatory for assigned remedial training. The Chief of Police will give final approval for all remedial training assignments. A recommendation for remedial training should be made for any officer, regardless of length of service, displaying a pattern of work deficiency uncorrected through normal supervisory instruction.

1-17-14 LESSON PLANS

The Department develops training curricula to meet needs of participants, the Police Department and the community.

Lesson plans will be prepared for internal training whenever possible. A copy of the lesson plan for any internal training provided to members of this department shall be kept on file by the designated training coordinator for the department

Lesson plans should ensure the training subject is addressed accurately and completely and is properly sequenced with other training materials, when applicable. Moreover, lesson plans should establish the purpose of the instruction, set forth the performance objectives, relate the training to critical job tasks, and identify the matters to be taught. They also should include references, teaching techniques to be used, participant responsibilities, and method of evaluation.

Training administered by this agency for POST continuing education credits will have a lesson plan submitted to POST at least 30 days prior to the training date.

All lesson plans which are being prepared by this agency and which are to be approved for P.O.S.T. Credits will be submitted to the Chief of Police or his designee to be reviewed for completeness.

After the course has been submitted, reviewed and approved, the respective instructor will submit a copy of the lesson plan to the POST Board for consideration/approval pursuant to Minnesota State Statute 13.029, Subd. C1.

Only approved lessons will be implemented.

1-17-15 TESTING IN TRAINING PROGRAMS

Training administered by this agency will utilize competency-based testing that uses performance objectives that measure participant knowledge of and abilities to use job-related skills.

Written tests, oral tests, or the evaluation of performance improvement will be used either alone or in combination to ensure minimum competency is achieved. Tests that can be demonstrated will be graded pass/fail. Testing results will be maintained by the training coordinator.

Assessment center testing used for promotions or other purposes may have a lower passing score, as approved by the Chief of Police.

1-17-16 ATTENDANCE IN TRAINING PROGRAMS

Any department member may fill out a training request form for a specific training event. This request must be approved by the member's immediate supervisor and the Chief of Police. The supervisor or Chief of Police will return the form to the member with any applicable instructions.

Any member attending a training event will complete the training request form and return it to the supervisor to ensure proper posting and credit. The only excused absences from scheduled training are:

A. Required court appearances
B. Vacation
C. Sick leave
D. Prior professional or training commitment
E. Personnel shortage, as determined and approved by supervisor

Members will make up mandatory training missed and training events whenever practical. The supervisor will ensure that department members receive recognition for successful completion of training.

1-17-17 RELATIONSHIP WITH TRAINING CENTERS

The Police Department uses outside training established, certified or approved by the state agency responsible for law enforcement training.

A. **Agreements** - A written agreement specifies financial obligations of the Department and the training centers, legal liability of the Police Department, and circumstances where the Department supplies any instructors, facilities or other resources to the training centers.
B. **Attendees** - The Chief of Police and the training center director(s) keep each appraised of progress and problems of employees attending basic, retraining or specialized training programs.
C. **Policy and Procedures Instruction** - The Police Department gives internal training on policies and procedures using instructors the Chief of Police approves.

1-17-18 TRAINING RECORDS

The Department Training Coordinator will maintain training records on all agency personnel. Records will be updated to indicate type of training, date received, certificates and/or honors conferred, and applicable test scores.

The Chief of Police or designee will ensure the agency is able to demonstrate what training was provided, who attended the session, and the performance of the attendees. At a minimum, the Chief of Police or designee will maintain a record of each class to include:

A. Course content (lesson plans)
B. Names of attendees
C. Performance of attendees

1-17-19 RELEASE OF TRAINING RECORDS

The Chief of Police must approve the release of training records outside the agency. Records will be released according to Data Practices Act guidelines.

1-17-20 POLICE DEPARTMENT INSTRUCTORS

Before teaching training programs, instructors must have ample knowledge of subject matter and knowledge of methods of instruction. The Chief of Police may assign supervisors and other employees to instruct classes.

Quality instructors are critical to a successful training program. Officers interested in becoming training instructors will meet the following requirements:

A. Have above average ability within the applicable subject matter.
B. Possess excellent oral and written communication skills.
C. Express a sincere interest in serving as a department instructor.

Instructors will be selected by the Chief of Police.

All training developed and administered by this agency will be competency-based. A minimum competence will be demonstrated by attending agency members prior to receiving credit for the training. The instructor is responsible for the preparation of performance objectives. These performance objectives should:

A. Focus on the elements of the job task analysis for which formal training is needed.
B. Provide clear statements of what is to be learned.
C. Provide the basis for evaluating the participants.
D. Provide a basis for evaluating the effectiveness of the training program.

1-17-21 AGENCY INSTRUCTOR TENURE

This agency does not employ full time instructors. Consequently, instructors perform their instructor responsibilities in addition to their normal duties. Instructor assignments will be determined by the Chief of Police and the individual instructor:

A. The instructor is relieved by the Chief of Police due to a demonstrable deficiency; or
B. The instructor requests cancellation of instructor assignments for personal reasons; or
C. Promotion or other personnel development necessitates discontinuation of instructor status.

1-17-22 MINIMUM TRAINING FOR INSTRUCTORS

Agency instructors will receive instructor training in their applicable specialty to include as a minimum:

A. Lesson Plan Development
B. Performance Objectives
C. Instructional Techniques
D. Learning Theories
E. Testing/Evaluation Techniques
F. Resource Availability and Use

The Chief of Police is responsible for ensuring that instructors receive the required training.

The following courses will satisfy the instructor training requirement:

A. Association of Training Officers of Minnesota Instructor Course
B. FBI Instructor Course
C. Any POST approved Instructor Training Course

1-17-23 OUTSIDE INSTRUCTORS

Quality instruction needs qualified instructors. Specific subjects call for using guest instructors drawn from a variety of professions, such as law, management professionals, human relations, social sciences, etc.

Instructors from outside the department teaching in-house classes must be approved by the Chief of Police. The Chief of Police will ensure the following.

A. The instructor's resume will be verified.
B. The instructor is certified by the POST Board and/or is an authority in the subject to be taught.
C. A lesson plan meeting the requirements of this chapter is complete and on file.

1-17-24 OUTSIDE ORGANIZATIONS AS RESOURCES

The identification of training resources outside the organization is imperative to a balanced and meaningful training program. The Chief of Police will identify appropriate outside resources for the department's training needs and incorporate those resources into the agency training process as required.

1-17-25 RECIPROCAL TRAINING OPPORTUNITIES

The Chief of Police will identify training opportunities available from other criminal justice agencies for department members. The Chief will also identify training this agency may provide to other agencies. The reciprocal training arrangements should be encouraged as opportunities to increase agency effectiveness while improving coordination and understanding between the involved law enforcement departments.

1-17-26 TRAINING BEFORE ASSIGNMENT

New officers of the Police Department will complete the minimum hours of basic skills training as required by State Revised Statutes. This system assures only appropriately trained officers will be allowed to carry a firearm and exercise arrest authority.

1-17-27 BASIC TRAINING CURRICULUM

The recruit training program of this agency includes:

A. A curriculum based on job task analysis of the most frequent assignments of officers who complete recruit training; and
B. Use of evaluation techniques designed to measure competency in the required skills, knowledge and abilities.

1-17-28 FIELD TRAINING PROGRAM

The Field Training Officer Program is a program designed to provide directed field experience for new employees and serves as a final step in the officer selection process. Its goal is to provide an individually tailored program, stressing weak performance areas and those requiring more attention, while at the same time insuring each trainee masters a predetermined set of tasks before completion. The trainees who satisfactorily complete this program should be

more aware of local community needs and better trained to handle a wide range of situations with both confidence and insight. Those trainees who are unable to properly cope or master the basic tasks required by today's police officers will be identified and can be dealt with on an individual basis.

The objectives of the program are achieved through a process known as phase training. It is a process designed to achieve the following goals:

A. A systematic, step-by-step approach to field training.
B. A means of insuring trainee capability in performing basic tasks/skills necessary for competent performance in a single officer unit.
C. The prevention of unnecessary duplication of training.
D. Consistency in the method by which certain basic patrol skills are taught to new employees.
E. Early detection of weaknesses in an officer's performance and specific documentation of training given to overcome these weaknesses.

The following are provisions and procedures for field training:

A. Field training will be administered as outlined in the department Field Training Officers Manual.
B. Field training is expected to take several weeks to complete. However, depending on recruit experience and ability, the completion time may vary. In no case will field training duration be less than four weeks.
C. Field Training Officers (FTOs) are selected by the Chief of Police. Criteria include:
    1. Expressed Interest
    2. Performance Evaluation
    3. Written/Oral Communication Skills
    4. Experience
D. Coordination of the Field Training Officers Program is the responsibility of the Chief of Police. Supervision of individual FTOs during shift is the responsibility of the assigned supervisor.
E. The FTO Program Coordinator will act as a liaison to peace officer basic courses on behalf of the FTO Program as necessary.
F. Officers selected as FTOs will receive FTO training. FTOs will successfully complete a POST approved FTO course prior to performing FTO duties. Additionally, FTOs will complete department approved FTO refresher courses every two years, or as directed by the Chief of Police.
G. Rotation of recruit field assignments will follow guidelines contained in the FTO Manual.
H. The FTO’s will submit regular reports on the progress of the trainee as outlined by the FTO Program Coordinator.

I. Reporting responsibilities of FTOs will be as outlined in the FTO Manual. The FTO Manual will be reviewed, amended and updated by the FTOs and Chief of Police as required.

1-17-29 RECRUIT TRAINING SUBJECT AREAS

POST Board licensing of all agency recruits ensures new officers will be comprehensively trained in all aspects of law enforcement, to include:

A. Administration of Justice
B. Minnesota Statues
C. Criminal Procedures
D. Human Behavior
E. Juvenile Justice
F. Law Enforcement Operation and Procedure
G. Techniques of Criminal Investigation and Testifying
H. Patrol Functions
I. Traffic Law Enforcement
J. Firearms
K. Defensive Tactics

1-17-30 EMERGENCY MEDICAL TRAINING

It is essential that law enforcement officers be trained to provide emergency first aid in different situations. Consequently, all officer recruits will complete the 40-hour First Responder Training Course, or have current certification indicating prior training.

An equivalent course of instruction may be approved by the Chief of Police, as required.

1-17-31 ORIENTATION OF NON-SWORN EMPLOYEES

The Chief of Police, or his designee, gives orientation training to non-sworn trainees about:

- Working conditions and regulations;
- Employee rights and responsibilities;
- Role of the Police Department, purpose, goals, policies and procedures.

1-17-32 ANNUAL INSERVICE TRAINING

The POST Board requires an annual minimum of 16 hours of approved training per officer. The Police Department may require each sworn employee to complete in-service training as the Chief of Police designates. This agency encourages all employees to obtain additional relevant training well beyond the POST minimum.

1-17-33 MANDATORY TRAINING

The following training shall be mandatory for all sworn police officers on the Buffalo Police Department. This policy lists required courses and a time-line for their attendance.

Course	Schedule
Use of Force	Annual
Firearms Training/Qualifications/Safety	Annual
First Aid Refresher	Prior to Expiration
Emergency Vehicle Operation	Every 5 years
Crisis Intervention & Mental Illness Crises	Every 3 years
Conflict Management & Mediation	Every 3 years
Community Diversity & Cultural Differences	Every 3 years
Hazardous Materials	Once, Then as Needed
Blood/Air Borne Pathogens	Annual

This list is not all-inclusive. Other courses or training mandated by statute/ordinance or required by the department will be determined as needs and requirements dictate.

1-17-34 RECOMMENDED TRAINING

The following training is recommended for all sworn police officer's on the Buffalo Police Department. The training will be taken by officers to maintain skills and provide for better and more in-depth training of personnel. Recommended training is highly encouraged.

Course	Schedule
Laws Update	As Needed or Recommended
Radar Operator Refresher	As Needed or Recommended
Intoxilyzer Refresher	Prior to Expiration
Violent/Domestic Situations	As Needed or Recommended
High Risk Vehicle Stops	As Needed or Recommended
Search & Seizure	As Needed or Recommended
Officer Survival	When Available or As Needed or Recommended

In addition to the other courses listed in this section, Officers are highly encouraged to seek training in the following areas:

Course
Interviewing/Interrogation
General Investigation (sexual assault, theft, burglary, etc.)
Narcotics and Drug Detection/Investigation
Crime Scene Processing and Preservation (evidence collection)

Human Relations (dealing with people, communications, etc.)
Juvenile related courses
Crisis Intervention
Accident Investigation
Patrol Functions
DWI Testing/Techniques
Implied Consent
Intoxilyzer
Driving Laws/Traffic Code
Emergency Response (special tactics)
Vulnerable Adults
Maltreatment of Minors
Allegations of Misconduct
Functions of Agencies in the Criminal Justice System
Exercise of Discretion in the Criminal Justice Process
Interrogation and Interviewing Techniques
Police Officers Role in Fire Suppression
Law Enforcement Investigative Innovations
Hazardous Materials
Crime Prevention Policies/Procedures
Collection/Preservation of Evidence
Report Writing and Records System Procedures

This list is not all-inclusive. Other courses deemed of need by the officer and/or the department, or other courses outlined in this General Order will be considered for approval. Approval is based on department need and officer interest.

1-17-35 TRAINING OF NON-SWORN EMPLOYEES

All newly appointed non-sworn employees will be required to take the following training:

A. Orientation to the agency's role, purpose, goals, policies and procedures.
B. Working conditions and regulations
C. Responsibilities and employee rights.
D. Review of the City employee handbook provided by the personnel department.

1-17-36 CIVILIAN POSITIONS REQUIRING SPECIAL TRAINING

A. The following personnel require specialized training:
   Records Technician: This function will receive specialized training as determined by the Chief of Police.

B. Civilian employees in administrative secretary and clerk/typist positions will receive the following training:
    1. Operation of Required Equipment
    2. Communication Skills
    3. Public Relations
    4. Administrative Job Requirements
    5. Data Practices Act
    6. Data Management System

1-17-37 ANNUAL RETRAINING OF CIVILIAN PERSONNEL

All non-sworn employees will attend annual training designed to update skills, knowledge and abilities required in each position and to prepare the employee for new job responsibilities. This training maybe provided through the City Administrators Office or as selected by the Chief of Police.

1-17-38 SPECIALIZED TRAINING OF SWORN PERSONNEL

The Police Department initiates specialized on-the-job training for employees following their assignment or promotion to a new job. Specialized training prepares employees for specific job skills, knowledge and abilities beyond basic and other in-service training.

Agency members assigned to the following positions will receive relevant specialized training:

A. Chief of Police
B. Lieutenant
C. Investigators
D. Sergeants
E. Field Training Officers
F. Firearms Instructors
G. Intoxilyzer Operators
H. Physical Evidence Officers
I. Crime Prevention Officer
J. Traffic Radar Officer
K. Hostage Negotiators

1-17-39 REQUIREMENT OF SPECIALIZED TRAINING

Specialized training is intended to provide more than the basic "on the job training" often found in traditional arrangements. Specialized training will be based on the tasks required of the specialized assignment. The training will be closely coordinated with experienced specialized personnel and should be accepted and approved by the POST Board whenever possible.

Specialized training will include at a minimum:

A. Development and/or enhancement of the skills, knowledge and abilities particular to the specialization.
B. Management, administration, supervision, personnel policies and support services of the specialized functions.
C. Performance standards of the specialized function.
D. Agency policies, procedures, rules and regulations related to the specialized functions.
E. Supervised on-the-job training with experienced specialized personnel.
F. Specific specialized training records will be maintained by the training coordinator.

1-17-40 TIME REQUIREMENTS FOR SPECIALIZED TRAINING

Training required pursuant to this directive will be initiated within 30 days of beginning the specialized assignment, whenever practical.

1-17-41 ADVANCED TRAINING

A. Advanced training is designed to improve the professional competence of personnel with demonstrated leadership ability. It is given in consideration of present and future assignments. These courses should include developing interpersonal skills, career counseling, team building and basic personnel management concepts.
B. In addition to required advanced training, command level personnel may be selected to attend further advanced training. Examples of this select training include:
    1. FBI National Academy
    2. Northwestern University Traffic Institute
    3. University of North Florida (several law enforcement management courses)
    4. Southern Police Institute (several law enforcement management courses)
    5. International Association of Chiefs of Police (supervision course)
    6. Minnesota Bureau of Criminal Apprehension (several advanced courses)
C. Criteria for selecting personnel for advanced coursework include:
    1. Two years service as a licensed peace officer
    2. Supervisory or management level responsibilities
    3. Demonstrated leadership characteristics
    4. Commitment to educational growth away from the workplace
    5. Dedication to law enforcement principles
D. Personnel completing advanced training will be considered eligible for assignment to any department position of similar rank.

1-17-42 AGENCY RELATIONSHIP WITH ACADEMIES

Minnesota requires licensing of police officers. To become licensed, an officer must successfully complete either a two or four-year college curriculum certified by the POST Board and basic skills training.

There are currently state institutions with POST approved basic skills courses: Contact the POST Board for the institution names and locations.

The relationship between this agency and the POST Board is as follows:

A. Legal established and described in Minnesota Statues 13.021 - 13.039.
B. The Chief of Police or designee will act as liaison to POST and other training institutions on behalf of this agency.
C. The Chief of Police or designee will coordinate the exchange of information between this agency and the aforementioned training institution as required.
D. Peace officer basic courses are staffed either by officers on leave from their respective agencies or by a large number of part time faculty members still encouraged to apply for either of these positions.
E. All basic peace officer courses are part of either the Minnesota Community College system or Vocational/Technical College system. These government funded institutions require no agency financial contribution.
F. This agency incurs no legal liability to any of the peace officer basic course training institutions.

1-17-43 ACADEMY TRAINING IN AGENCY DIRECTIVES

Specific training in agency policies, regulations and procedures is part of the agency Field Training Officer Program and is not part of the basic skills training offered through POST approved institutions.

1-17-44 POST LEARNING OBJECTIVES FOR ACADEMY TRAINING

The following topics are considered a part of the basic training to be given to officer candidates as they progress through the State Academy Certification process.

A. Administration of Justice
B. Minnesota Statues
C. Criminal Procedures
D. Human Behavior
E. Juvenile Justice
F. Law Enforcement Operations and Procedures
G. Techniques of Criminal Investigation and Testifying
H. Patrol Functions
I. Traffic Law Enforcement
J. Firearms

K. Defensive Tactics

BUFFALO POLICE
DEPARTMENT
ADMINISTRATIVE ORDERS

Effective: 10/15/2021	Reevaluation Date: JANUARY 2024

1-18 NARCAN

1-18-1 PURPOSE

To establish guidelines and regulations governing utilization of Intranasal Naloxone administered by trained personnel. The objective is to treat severe or life-threatening Opioid overdoses and accidental internal opiate exposure.

1-18-2 POLICY

It is the Policy of the Buffalo Police Department to be trained to provide emergency medical aid and to facilitate an emergency medical response in the case of and apparent Opioid overdose.

1-18-3 PROCEDURES

1-18-4 DEFINITIONS

Naloxone: Naloxone Hydrochloride aka "NARCAN"
Classification: Opioid antagonist, antidote
Actions/Kinetics: Reverses effects of opioid overdose including respiratory depression, sedation, and hypotension. It does not have any opioid effect itself. Onset of action is within 2 minutes. Duration of action is short and is dependent on dose and situation.
Indications: Indicated for complete or partial reversal of known or suspected opioid-induced respiratory depression and overdose.
Adverse effects: In reversing the effects of the opioid may witness tachycardia, hypertension, nausea, vomiting and diaphoresis.
Tachycardia: Tachycardia is a faster than normal heart rate at rest. A typical healthy heart normally beats 60 to 100 times a minute when a person is at rest.
Hypertension: High blood pressure.
Nausea: The feeling you have in your stomach when you think you are going to vomit.
Diaphoresis (sweating, perspiration): Excretion of moisture through pores of the skin.
Opioid Overdose: A opioid overdose occurs when the opioid taken results in slowed or absent respirations and cardiac function, and likely unconsciousness. For the purposes of this policy, the mere use or influence of an opioid does not necessarily constitute an overdose.
Storage: Must be stored at **59 degrees F to 86 degrees F**. Protect from sunlight. Must be taken into a controlled temperature facility and not left in the car when not on duty. May leave it in a squad car during winter months while on duty if the vehicle is maintaining a controlled temperature.
Dosages: Give up to a total of 2mg Naloxone.

1-18-5 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

All Officers will be trained in the use of Intranasal Naloxone through a curriculum approved by professional medical direction. Officers may carry Naloxone while on duty in a manner that is compliant with the manufacturer's recommendations.

a) Education: Those authorized to administer Naloxone will complete training through professional medical direction.
b) Opioid Overdose Response: In the event of a response to a possible narcotic overdose in the community, the officer will bring the Naloxone kit to the victim's side and use it in accordance with the protocol and training previously provided.
c) Documentation: When Naloxone is used for a possible overdose, a report of the incident will be drafted by the end of that officer's shift.
d) Disposal: Used syringes will be disposed of in an appropriate sharp's container.
e) Restock: Naloxone will be restocked through a supervisor.

1-18-6 NALOXONE ADMINISTRATION GUIDELINES-CALLS FOR SERVICE

Naloxone will only be administered by Intranasal (IN) route. Personnel administering Naloxone will:

a) Maintain scene safety and personal universal precautions.
b) Perform initial victim assessment to determine unresponsiveness, absence of breathing, and/or lack of a pulse.
c) Provide basic life support practices as necessary through this process, including securing an airway and providing respirations with a bag valve mask if needed.
d) Perform a prompt situational assessment to determine if it is believed that the victim's condition is the result of an opioid overdose.
e) Request additional back up and wait until they arrive.
f) Consider the use of handcuffs prior to administering Naloxone.
g) Administer the Naloxone into each nostril as previously trained.
h) Continue to offer CPR, including respiratory support, while observing for successful response for one minute after the administration of the first does of Naloxone.
i) If there isn't response and/or improvement in the victim's condition after the first dose of nasal naloxone, another dose can be repeated in 2-3 minutes if no change in the patient. Continue to provide basic life support care to the victim throughout this process and as safety warrants, until EMS arrives to assess the patient.
j) Update responding EMS service of:
    i. Amount of Naloxone given, and
    ii. Any change in condition prior, during, or after Naloxone administration.

Provide individuals involved on scene with an informational sheet detailing treatment and assistance programs available to them.

1-18-7 NALOXONE ADMINISTRATION GUIDELINES-INTERNAL INCIDENT

The Buffalo Police Department recognizes the risk of an internal accidental opioid exposure and has provided for naloxone kits to be deployed in the Buffalo Police Department Evidence Prep Room.

When deploying the naloxone kit officers will: (1) notify dispatch of accidental exposure and maintain universal precautions; (2) perform patient assessment; (3) determine

unresponsiveness, absence of breathing and/or lack of pulse; and (4) update dispatch that the patient is in potential overdose state.

Officers shall follow the protocol as outlined in 1-18-5

1-18-8 MAINTENANCE/REPLACEMENT

First Line Maintenance

a) An inspection of the naloxone kit shall be the responsibility of the personnel assigned the equipment.

b) Missing or damaged naloxone kits will be reported directly to a supervisor.

c) When necessary, the naloxone kit shall be taken out of service and be submitted for replacement to a supervisor.

1-18-9 DOCUMENTATION/NALOXONE REPORT:

If a naloxone kit is deployed, the officer deploying the kit will submit a report detailing the nature of the incident, the care the patient received, and the circumstances involved. The officer completing the report will also notify a supervisor of the deployment as soon as practical.

BUFFALO POLICE DEPARTMENT
GENERAL ORDERS

Effective: 08/12/2021	Reevaluation Date: FEBRUARY 2024

2-1 ALLEGATIONS OF MISCONDUCT

2-1-1 PURPOSE

The purpose of this policy is to inform all employees and the public of procedures for reporting, receiving, investigating and disposition of complaints regarding the conduct of licensed peace officers of the Buffalo Police Department. The provisions of this policy are applicable only to the investigation and the disposition of allegations of administrative misconduct. This policy does not apply to a criminal investigation.

2-1-2 POLICY

It is the policy of the Buffalo Police Department to accept and to fairly and impartially investigate all complaints of misconduct to determine the validity of allegations, and to impose any corrective actions that may be justified in a timely and consistent manner.

2-1-3 DEFINITIONS

For the purpose of this policy, the terms set forth below are defined as follows:

A. ***Administrative Investigation:*** An internal investigation conducted in response to a complaint with the goal of determining whether an employee engaged in misconduct.

B. ***Chief Law Enforcement Officer*** means the chief of police or designee. Within this policy, the chief law enforcement officer will be referred to as CLEO.

C. ***Law Enforcement Officer*** means an individual who holds a peace officer license in the State of Minnesota. Within this policy, a law enforcement officer will be referred to as LEO.

D. ***Complainant*** means a person who submits a complaint to the Agency or CLEO alleging misconduct by an agency member.

E. ***Complaint*** means a statement alleging behavior that constitutes misconduct.

F. ***Member*** means all voluntary and compensated personnel of the agency.

G. ***Discipline*** means any of the following or combination thereof:

- Oral Reprimand
- Written Reprimand
- Suspension
- Demotion
- Discharge

H. ***Unfounded*** means there is no factual basis for the allegation. The act or acts alleged did not occur.

I. ***Exonerated*** means a fair preponderance of the evidence established that either:

1. the agency member named in the complaint was not involved in the alleged misconduct; or
2. the act(s) that provided the basis for the complaint occurred; however, the investigation revealed that such act(s) were justified, lawful or proper.

J. ***Not Sustained*** means the investigation failed to disclose sufficient evidence to prove or disprove the allegations made in the complaint.

K. ***Sustained*** means a fair preponderance of the evidence obtained in the investigationestablished that the LEO's actions constituted misconduct.

L. ***Policy Failure*** means that the complaint revealed a policy failure. The allegation is factual, and the LEO(s) followed proper agency procedure, however, that procedure has proven to be deficient.

M. ***Respondent*** means an individual who is the subject of a complaint investigation.

N. ***Misconduct*** means:

1. a violation of an agency policy or procedure governing conduct of agency members;
2. conduct by a peace officer that would be a violation of POST Standards of Conduct per Minn. Rules 6700.1600

O. ***Policies and Procedures*** mean the administrative rules adopted by the agency regulating the conduct of agency members.

P. ***Receiving Authority*** means the entity who receives and is required to investigate the complaint when the subject of the complaint is a CLEO.

2-1-4 PROCEDURE

A. ACCEPTANCE AND FILING OF COMPLAINTS

1. Complaint forms must be made available through agency personnel, at designatedpublic facilities, and online.

2. Complaints may be received either in person, over the telephone, in writing, or via theinternet. A complainant may remain anonymous. The complainant should be advised that remaining anonymous may affect the investigation of the complaint.

3. A complainant may be accompanied by an attorney or other representative at the timea complaint is filed or at any other stage of the process.

4. Employees must provide assistance to individuals who express the desire to lodge complaints against any employee of this agency.

5. The complainant must be advised of the procedures for submitting the complaint andprovided with a copy of their submitted complaint.

6. The complainant should be asked to verify by signature if the complaint is a completeand accurate account. If the complainant elects not to sign, this fact must be documented and the complaint processed according to procedure.

7. The CLEO will forward a copy of the written complaint to the respondent only after it is determined that the complaint does not allege a criminal violation and the notification will not impede a criminal investigation.

8. A CLEO or Receiving Authority may delegate the duties and responsibilities

required of a CLEO by this policy to an appropriate designee(s).

9. Any complaint made against a chief of police must initially be made to the city administrator.

10. The city administrator must refer investigations of alleged misconduct against a CLEO to an outside law enforcement agency or criminal justice agency thathas no discernible conflict of interest.

B. INVESTIGATION OF A COMPLAINT

1. Upon receipt of the complaint, the CLEO must make an initial determination as to whether or not the facts alleged require an administrative investigation. If the CLEO decides that an investigation is not required, the disposition of the complaint must becleared as “unfounded”, “not sustained”, or “exonerated.” The complainant and the respondent will be notified of this decision and the basis for determination. If the complainant supplies additional information within thirty (30) days of that initial determination, the CLEO may reverse this decision and order an administrative investigation.

2. If the CLEO determines an administrative investigation is required, an appropriate designee will be assigned to investigate the complaint. When the CLEO believes an external investigation is appropriate or when the CLEO is the subject of the complaint, the investigation will be assigned to an external agency that has no discernible conflictof interest.

3. The investigator must inform the complainant of his or her name, business phone number and the status of the complaint as soon as possible after being assigned the investigation.

4. The investigator must thoroughly investigate all allegations contained in the complaint and any other potential misconduct discovered in the course of the investigation. If the investigation reveals potential misconduct by another agency member, the investigator must report that fact to the CLEO or, in the case of a complaint against a CLEO, the appropriate city administrator, manager, mayor, county attorney, county administratoror board of county commissioners.

5. All agency members must cooperate with the investigation. When the respondent is a licensed peace officer, the investigation must comply with the requirements of MNSTAT 626.89 and acts amendatory thereto.

6. The investigator must prepare a report that contains all relevant information organizedinto the following three (3) sections:

   - *Allegations:* An itemized summary of the acts of misconduct alleged in the complaint. Reference must be made to those rules, procedures, orders, statutes, or constitutional provisions that would be violated if the allegations are taken as true.
   - *Investigation:* A chronological summary of the investigation including all pertinent facts obtained through interviews with the complainant, accused agency member(s), and all available witnesses. Written statements, descriptions and analysis of any physical evidence, and all other relevant information must be included.
   - *Conclusions:* The investigator's findings and conclusions as to whether any misconduct occurred and the underlying reasons for the findings and conclusions.

7. The investigation must be completed within thirty (30) days of the filing of the complaintunless the CLEO or Receiving Authority determines there is good cause to grant an extension. The complainant and respondent must be informed of any extension.

C. ADDITIONAL INVESTIGATION, REVIEW AND DISPOSITION

1. Upon completion of the investigation, the investigator must submit the report, case fileand all investigative notes to the CLEO or Receiving Authority. The CLEO or Receiving Authority may require additional investigation or make one of the following decisions:

   - Unfounded
   - Exonerated
   - Not Sustained
   - Sustained
   - Policy Failure

2. The CLEO or Receiving Authority may postpone making a decision until any related criminal charges are resolved. The complainant and respondent must be informed ofthis decision.

3. If the decision is “unfounded,” “exonerated,” “not sustained” or “policy failure” the CLEO or Receiving Authority must immediately notify the complainant and the respondent of the decision.

4. If the complaint is “sustained” the CLEO or Receiving Authority will:
   - Issue findings of fact including a summary of the acts constituting misconductand the specific statutes, policies, regulations and procedures violated; and
   - Take appropriate remedial and/or disciplinary action.
   - Advise the complainant of any public information regarding the disposition
5. Prior to the implementation of remedial and/or disciplinary action the respondent will be provided with a copy of the findings of fact. The CLEO, Receiving Authority and/or designee must review the findings of fact with the respondent and explain the reasons for the remedial and/or disciplinary action.

6. The investigation may be re-opened by the CLEO or Receiving Authority at any time if substantial new evidence is discovered concerning the complaint.

7. When a “sustained” disposition is final the respondent may appeal the disposition pursuant to the rules and law governing the accused member's employment.

D. MAINTENANCE AND DISCLOSURE OF DATA

1. Disclosure to the public, complainant and respondent of data collected, created or received by the agency in connection with this policy and procedure must be governedby the provisions of the MN Government Data Practices Act. Retention of data collected or maintained in connection with this policy must be retained in accordancewith the agency’s “Record Retention Schedule.”

2. All data collected, created or received by the agency in connection with this policy

and procedure must be maintained in accordance with the agency's "Record Retention Schedule."

3. The placement of the disposition report or other data in an employee's personnel file must be governed by the agency's personnel policy.

4. Access to data collected, created, or received in connection with this policy and procedure may only be authorized by the CLEO or the agency's Data Practices "Responsible Authority," and as provided by Chapter 13, the "Minnesota GovernmentData Practices Act," or valid court order.

E. POST BOARD REPORTING REQUIREMENTS

1. Under Minn. Rule 6700.1610, a licensed peace officer must self-report to the POST Board any violations of the Standards of Conduct for peace officers listed in Minn. Rule 6700.1600.

2. Any person with knowledge of peace officer misconduct constituting grounds for action under Minn. Stat. chapter 214, or Minn. Rules 6700.1600, may report theviolation to the Board.

3. Minnesota Stat. 626.8457 Subd. 3 requires CLEOs to submit individual peace officerpublic and private data related to allegations of misconduct to the POST Board in "real time" via the POST Board Misconduct Reporting System.

4. A chief law enforcement officer must update data within 30 days of final disposition ofa complaint or investigation.

5. Law enforcement agencies and political subdivisions are prohibited from entering into a confidentiality agreement that would prevent disclosure of the data identified inMinn. Stat. 626.8457 Subd. 3 paragraph (b) to the Board. Any such confidentiality agreement is void as to the requirements of this section.

Effective: 01/25/2019	Reevaluation Date: FEBRUARY 2024

2-2 AUTHORITY

2-2-1 PURPOSE

This directive mandates an oath of office for sworn personnel required by the State of Minnesota. The Buffalo Police Department details guidelines for individual discretion by employees. This General Order also details the authority, guidelines and circumstances where sworn personnel should use alternatives to arrest and pre-arraignment confinement.

This directive codifies the agency's commitment to providing employees with appropriate authority to perform their duties and the agency's expectations that employees will be accountable for proper use of that authority.

2-2-2 POLICY

Police officers take an oath of office before assuming sworn status. Buffalo Police Department personnel use individual discretion and alternatives to arrest in the best interest of justice, fairness and welfare of the public. The department ensures the constitutional rights of every person.

This agency will provide employees with the authority to make decisions necessary for effective execution of their responsibilities.

2-2-3 PROCEDURES

2-2-4 OATH OF OFFICE

Ordinances of the City of Buffalo establish the police department. Each police officer shall take an oath of office to uphold the Constitutions of the United States and the State of Minnesota. The department requires the oath before an employee may assume duties of a law enforcement officer.

2-2-5 LAW ENFORCEMENT AUTHORITY

Police personnel are granted full law enforcement authority and powers as prescribed by State Revised Statutes and Ordinances of the City.

Officers must have legal justification for officer actions in every situation. What is reasonable for proper law enforcement action, or what is probable cause, varies with each situation. Different facts may justify an investigation, a detention, a search, an arrest, or no action. Always act within the limits of officer authority to protect the rights of both individuals and the public.

Enforce laws fairly and impartially. If officers do not evenhandedly enforce the law, there will be a lessening respect for the law and increasing resistance to enforcement.

A. Uniform Application of the Law: The department uses flexibility in deployment and methods of enforcement to respond to the varying law enforcement needs in different parts of the City. The department formulates enforcement policies based on the total jurisdiction and applies them uniformly.
B. Actions Based on Circumstances: Like circumstances call for like treatment of groups and individuals. However, the department must use methods to gain compliance with the law, or to make arrests, based on the existing circumstances of each particular situation.

Officers are not authorized to exceed lawful authority in any conduct. Misuse of authority is justification for disciplinary action. If found innocent of criminal charges in state court, officers may still be liable for a federal civil rights violation, resulting in further criminal charges or a civil lawsuit.

2-2-6 USE OF DISCRETION

Officers should always use good discretion to carry out officer duties. Base officer discretion soundly on good judgment, experience and training. Officers must correctly interpret laws and directives and recognize that the use of discretion is <u>not permitted</u> when activities are mandated by law, departmental directives, or supervisory direction unless officers can show justifiable cause for deviation.

NOTE: Seek direction from supervisors when the proper course of action is in doubt.

2-2-7 DISCRETION: ARRESTS

Of special concern is physical arrest and confinement of a person. Officers must consider such action as very serious. Whenever officers deprive persons of their liberty to move about, officers must know the legal justification for their actions.

2-2-8 ALTERNATIVES TO ARREST AND CONFINEMENT

2-2-9 TYPES OF ALTERNATIVES TO ARREST

It is important to know and use alternatives to arrest and confinement when proper. Such alternatives include:

- Citations;
- Warnings;
- Referral; and
- Informal Resolutions.

NOTE: Officers should not let personal feelings guide an arrest decision.

NOTE: Officers should not release any arrestee in custody for a valid warrant until such arrestee has posted the proper bond or signed proper documents for release own recognizance.

2-2-10 ALTERNATIVES TO ARREST: CITATIONS

Use citations for non-felony violations of State Revised Statutes and City Vehicle Codes, except for those violations where laws or directives call for arrest and confinement.

2-2-11 ALTERNATIVES TO ARREST: WARNINGS

Officers are authorized to issue warnings for minor traffic and ordinance violations if officers believe a warning is sufficient for the situation. Generally, do not use warnings for serious violations or for those violations where laws or directives call for arrest and confinement.

2-2-12 ALTERNATIVES TO ARREST: REFERRAL

Make proper referrals to other components of the police department, City, other government agencies or social service agencies. Referrals outside the department may include, but are not limited to:

A. Federal Law Violations: Officers may refer federal law violations to the proper federal authorities.

B. Mental Health Cases: Officers may refer persons with mental problems to a mental health organization.

C. Child Abuse: Officers must refer all suspected child abuse cases to the proper authority for concurrent investigation.
D. Check Fraud: Some cases involving check fraud may be referred to the County Attorney's Office.

2-2-13 ALTERNATIVES TO ARREST: INFORMAL RESOLUTION

Officers may solve some problems without arrest, citation or referral. Informal resolution is an excellent method to deal with minor violations.

A. Agreement/Probable Cause: An essential element to informal resolution is an agreement by all involved parties there should be no arrest. The investigating officer may also determine inadequate probable cause exists for an arrest.
B. Victims Decline Charges: In disputes such as neighborhood squabbles, landlord/tenant disagreements, when victims do not wish to file charges, etc., use informal resolution.

> **NOTE:** Informal resolution may not be appropriate in every situation when a victim declines.

2-2-14 CONSTITUTIONAL RIGHTS

2-2-15 CONSTITUTIONAL RIGHTS AND LAW ENFORCEMENT

No person has a constitutional right to violate the law; neither may officers deprive persons of their constitutional rights merely because they are suspected of having committed a crime. If officers exceed officer authority by unreasonable conduct, officers violate the binding force of the law which officers have sworn to uphold.

2-2-16 SAFEGUARDING INDIVIDUAL RIGHTS

Recognize and follow those rights granted to individuals by Constitutions of the United States and of this State, Federal and State Revised Statutes, plus judicial interpretations that affect officer duties and responsibilities. Safeguarding individual rights includes, but is not limited to the following:

A. Confessions/Admissions: Do not coerce a person to admit or involuntarily confess to a crime in any manner.
B. Arraignment Delays: Do not make any needless delay in arraignment.
C. Defendant Rights: Where required by law, officers must inform arrestees of their rights against self-incrimination.
D. Right to Counsel: Do not deprive any arrestees of their right to counsel.
E. Pretrial publicity: Do not contribute to any pretrial publicity that would tend to prejudice a fair trial.

2-2-17 POWERS AND DUTIES

2-2-18 ARREST WITHIN JURISDICTION:

All Officers of the Department when within the City of Buffalo and complying with the Rules and Regulations Governing Conduct, have full arrest power when on duty or off duty unless on administrative or disciplinary leave. (See MSA 629.40)

2-2-19 ON DUTY OUTSIDE OF OUR JURISDICTION:

When an Officer of this Department is outside of their jurisdiction and is acting in the course of duty and within the scope of employment, the officer has full arrest authority in the following situations:

A. When an officer is conducting an investigation outside of our jurisdiction, the officer has full arrest authority for all occurrences relating to crimes committed in the City of Buffalo.
B. When an officer is in a bordering jurisdiction because he or she is in the course of traveling from one part of the City of Buffalo to another part, the officer has full arrest authority for crimes committed in said bordering jurisdiction when the crimes occur in the officer's presence.
C. In all other situations where an officer of this Department is outside of our jurisdiction and is acting in the course of duty and within the scope of employment, the officer is to exercise his or her arrest in conjunction with local authorities.

2-2-20 OFF DUTY WITHIN ANOTHER JURISDICTION:

Off duty officers shall refrain from taking police action within another jurisdiction when off duty. Officers learning of criminal activity within another jurisdiction, when off duty, shall report said criminal activity by the quickest means of communication to the agency having jurisdiction.

- **Exception**: When the crime being committed is one of violence, when an officer would be justified in using deadly force under Minnesota State Statute 609.066, when it is necessary to protect his life or the life of another. When the crime being committed is a felony of a violent nature, the failure to act could result in the death or great bodily harm to another.

2-2-21 INDEMNIFICATION:

The State of Minnesota will indemnify and defend an officer the same as if that officer was an employee of the State, when there is good faith use of authority and use of deadly force off duty and outside the officer's jurisdiction, but only when acting on behalf of the people of the State of Minnesota and not acting on behalf of a private employer.

2-2-22 CARRYING OF WEAPONS:

All Minnesota POST licensed peace officers may carry a weapon while on or off duty whether in or out of jurisdiction. Officers of the Buffalo Police Department may carry an off-duty weapon in compliance with Department Rules and Regulations, Policies, etc.

BUFFALO POLICE DEPARTMENT
GENERAL ORDERS

Effective: 01/25/2019	Reevaluation Date: FEBRUARY 2024

2-3 AWARDS & COMMENDATIONS

2-3-1 PURPOSE

It is important to recognize the various levels of achievement of our staff, including sworn, civilian, and reserve staff, and to encourage others in their pursuits. Accordingly, the following achievement and recognition awards are established.

2-3-2 POLICY

The Buffalo Police Department establishes awards as a method of showing appreciation and recognition. Nominations for any award or commendation will be reviewed by the Chief of Police and two officers designated at the time of the nomination.

2-3-3 PROCEDURES

The following achievement and recognition awards are established:

1. **Award of Valor**: The Award of Valor is the department's most distinguished honor and will be given to a member for outstanding acts of bravery and heroism. Such an act will be characterized by courage in the face of great and imminent danger or accompanied by a high risk of personal injury or death. The award will include a certificate, the Medal of Valor plaque, and a uniform bar pin.
2. **Police Shield Award**: The Police Shield Award is conferred upon an Officer, who receives injuries that cause substantial or great bodily harm as a direct result of the performance of their duties as a law enforcement officer. To be awarded the Police Shield, an officer must be wounded or killed as the result of a confrontation with a criminal and does not include accidental death or injury. The Officer shall not be engaged in activities that are a violation of law or policy at the time of injury. Award will include a certificate and a uniform bar pin.
3. **Life Saving Award:** The Life Saving Award may be given to Officers who by direct intervention, aids in saving the life of another, who by circumstance, had a great likelihood of death without the intervention of the Officer. The award will include a certificate, the Police Shield Award plaque, and a uniform bar pin.
4. **Award of Meritorious Service**: This is awarded to employees for acts above the normal call of duty. This award may recognize sustained high job performance or significant contributions to a project benefiting the department. Award will include a certificate and a uniform bar pin.

5. **Letters of Commendation**: Any officer may be nominated for a letter of commendation by any other sworn staff, civilian staff, reserve, or civilian. Nominations for a letter of commendation should be submitted to the Chief of Police for approval. Letters of Commendation awarded will be put on display in the Police Department lobby and added to the personnel file of the commended officer.

BUFFALO POLICE DEPARTMENT
GENERAL ORDERS

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2-4 BICYCLE PATROL PROGRAM

2-4-1 PURPOSE

Provide guidelines for officers using police department all-terrain bicycles.

2-4-2 POLICY

The Buffalo Police Department will utilize the Bicycle Patrol Program as a deterrent to criminal activity, for community relations, and for bicycle safety education.

2-4-3 PROCEDURES

2-4-4 ASSIGNMENT TO THE BICYCLE PATROL

A. Officers who wish to volunteer for the Bicycle Patrol Unit may submit their request to the Chief of Police. Officers requesting appointment to be Bicycle Patrol Officers must assume costs for specific Bicycle Patrol items of equipment. A basic list of these items is listed in this policy. Specific models and styles are available from the Chief of Police.
B. Fitness and ability are key elements of safe and effective bicycle patrol use. Personnel wishing to participate in bicycle patrol are expected to remain fit and able to operate the bicycle without causing injury or significant fatigue.

2-4-5 CARE AND USE OF BICYCLES

A. The use of Police Bicycles is at the discretion of the Chief of Police. If certain uses arise, the Chief may request that Bicycle Officers use bicycles for a detail or assignment. Bicycle Officers may also request to patrol on the bicycle when manpower allows. Police Bicyles will only be used when there is at least one other marked unit on duty. This is at the discretion of the Chief of Police.
B. Before using a bicycle for patrol, each officer shall inspect the bicycle to assure that the bicycle is in good working order. If a repair is necessary, a repair slip should be completed and forwarded to the Chief of Police.
C. At the conclusion of the shift, the bicycles should be wiped down and any visible dirt removed. Any first aid supplies used will be replenished for the next sift.

D. Personnel shall not modify the patrol bicycles, remove, modify, or add components, unless approved by the program supervisor, or in the case of an emergency.

2-4-6 UNIFORMS AND EQUIPMENT

A. It is recognized that there will be a different uniform needed for Bicycle Patrol Officers. The alternate uniform will include:
    1. Cycling shorts or jogging pants
    2. Black tennis shoes
    3. White athletic socks
    4. Protective Eyewear
    5. Polo style shirt
B. A bicycle helmet is required and is mandatory for all Bicycle Patrol Officers
C. Officers will be required to wear their department-provided soft body armor while on Bicycle Patrol.
D. Bicycle Patrol Officers will wear full duty gear during Bicycle Patrol Activities.

2-4-7 TRAINING

Once an Officer is selected to be part of the Bicycle Patrol Program, the Officer must complete a department approved training program prior to taking out a bicycle on patrol for enforcement purposes. This selection may be waived at the discretion of the Chief of Police and/or for purposes of participation in specific activities or other details.

2-4-8 CARE OF BICYCLES

A. It is recognized that during the course of Bicycle Patrol, that the bicycles may receive hard use, however, any intentional abuse or misuse of the Police Department Bicycles is prohibited.
B. If damage occurs to a bicycle during the course of Bicycle Patrol, the officer using the bicycle is responsible for reporting the damage to the shift supervisor and the program coordinator.
C. If upon inspection, an incoming officer observes damage to a patrol bicycle, that officer is required to notify the shift supervisor and the program coordinator of the damage.

2-4-9 USE OF FORCE

If necessary, the bicycle may be used as an emergency impact weapon. The bicycle can be either run into or thrown at a subject. This use shall be consistent with departmental use of force policies and procedures and State Statute 609.06. It should also be noted that any use of force involving the Police Bicycle will require a Use of Force Report.

2-4-10 OPERATION OF POLICE BICYCLES

A. Personnel using bicycles must use proper judgment at all times while operating a police bicycle.
B. Officers on bicycles must operate Police Bicycles in conformance with Minnesota State Statute 169.222 and other applicable statutes.
C. Police Bicycles are not legal emergency vehicles. There may be times when operating without headlights, through stop signs or in violation of other State Statutes may be necessary in the course of police duties, however, Officers operating in such a manner shall use extreme caution and care.
D. There are many obstacles that may be present while operating a bicycle. These can vary greatly and operators must be alert to ensure their own safety. Officers should not ride bicycles down stairs, over retaining walls, or over other obstacles that might damage the bicycle or potentially cause the operator to lose control and become injured.
E. Bicycle patrol officers that are assigned as a shift unit are expected to remain in close proximity to their squad car to facilitate a quick response to another part of the community, should the need arise. Although this distance will not be quantified, it is expected that a reasonable distance would be no more and 3-5 minutes away from the squad car.
F. Bicycle patrol officers may respond to calls for service that are in their immediate area at their discretion.
G. Licensed officers performing bicycle patrol may affect traffic stops on motor vehicles, provided this can be done safely. Traffic stops should be conducted through motorists voluntarily complying with a signal from the bicycle officer to pull over and stop, but bicycles should not be used as a barrier or pulled in front of traffic in an effort to stop a vehicle.
H. Officers performing Bicycle Patrol functions will not be required to keep a handwritten log during these activities, but are expected to follow appropriate reporting procedures for any and all official public contacts.
I. Absent exigent circumstances, the patrol bicycles shall not be left unattended (out of sight) without being properly secured.

2-4-11 BICYCLE PATROL PROGRAM SUPERVISOR RESPONSIBILITIES

The bicycle patrol program supervisor will be responsible for the following:

A. Organizing departmentally approved bicycle patrol training.
B. Inspecting and maintaining the inventory of the patrol bicycles and related equipment.
C. Scheduling maintenance and repairs for the patrol bicycles.
D. Coordinating bicycle patrol activities for patrol, and for special projects or programs.

BUFFALO POLICE DEPARTMENT
GENERAL ORDERS

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2-5 CRIME PREVENTION PROGRAM

2-5-1 PURPOSE

This directive establishes the policies and procedures for the agency crime prevention function.

2-5-2 POLICY

It is the policy of this agency to provide the community a proactive approach to crime prevention. The focus of this approach is to enhance community awareness and involvement in stopping crime before it starts.

2-5-3 PROCEDURES

2-5-4 AGENCY COMMITMENT TO CRIME PREVENTION PROGRAM

The Buffalo Police Department is committed to the development and perpetuation of community crime prevention programs.

Crime Prevention is a shared responsibility of the Buffalo Police Department and the citizens of Buffalo. The Police Department is responsible to acquire and disseminate the most current crime prevention information. This proactive approach encourages citizens to use and apply the most up-to-date crime prevention information. It is the citizens' responsibility to actively participate and use this information.

2-5-5 CRIME PREVENTION PROGRAMS

Crime prevention is a shared responsibility of all members of the department. Each member will be familiar with the department's crime prevention programs and techniques. The planning of crime prevention/community education programs and coordinating these efforts is the responsibility of the Crime Prevention Officer(s) in coordination with the Chief of Police.
Specific agency crime prevention programs include:

A. Neighborhood Crime Watch;
B. Business Watch, a program designed to protect retailers.
C. Operation Identification;

D. Security Surveys, provides homes and businesses with a free analysis of their security status;
E. Crime Prevention or Promotional Cards, a program designed to build trust and support with officers while disseminating useful crime prevention information;

2-5-6 RESPONSIBILITY FOR PLANNING/COORDINATING CRIME PREVENTION ACTIVITIES

One officer is assigned to the crime prevention/community relations position under the supervision of the Chief of Police.

The Crime Prevention Officer, along with support from the Investigation, Patrol and Support Services areas, is responsible for the planning, coordination and implementation of crime prevention programs. All department personnel are expected to assist by lending their knowledge and expertise to the crime prevention programs. The Crime Prevention Officer is required to stay informed regarding the latest crime prevention theories and practices by attending training sessions and maintaining active membership in crime prevention officer associations.

2-5-7 ACCESS TO FOREIGN LANGUAGE SPECIALISTS

Foreign language experts are available to the department through a number of sources.

Language specialists and interpreters for the hearing impaired will be utilized to promote understanding of crime prevention programs when deemed necessary by the Crime Prevention Officer and with supervisor concurrence.

2-5-8 CRIME PREVENTION PRIORITY PROGRAMS

The Crime Prevention Officer(s) will coordinate the department evaluation of crime trends in the community based on reported data. Sources include monthly criminal activity reports, CJIS/NCIC reports, department incident reports, and periodic surveys of public perceptions. This evaluation will help prioritize crime prevention programs with respect to community needs. The results of this evaluation process will be forwarded to the Chief of Police with recommendations for any program changes, additions or deletions.

2-5-9 AGENCY ASSISTANCE IN ORGANIZING NEIGHBORHOOD WATCH PROGRAMS

Neighborhood Watch groups are typically organized by interested groups of citizens with the assistance of the Police Department. The groups comprise neighborhood residents that are interested in improving the quality of life in their area. This includes but is not limited to crime

reduction, crime prevention, improved street lighting, and other neighborhood/community improvements that the group targets.

The Police Department will assist Neighborhood Watch groups in the following ways:

A. Organizational Assistance: Help determine neighborhood boundaries, assist in choosing the neighborhood leader and provide assistance in setting up meetings.
B. Attendance at Meetings: The Crime Prevention officer assists the group by addressing the meetings, or by arranging for specialists (Investigator, etc.) or other outside speakers as the needs and desires of the group change.

C. Materials: Crime prevention booklets and pamphlets are supplied by the department. If the group desires a Crime Watch Sign, the department requests a donation to the Crime Fund to help defray the cost. The City's street department installs the signs.

D. Liaison: The department's Crime Prevention Officer will maintain a liaison between the Police Department and the Neighborhood Watch groups.

   Liaison information will include current criminal activity in the crime watch area and any other relevant information which can be legally disseminated under the Minnesota Data Practices Act.

Watch groups should comprise a minimum of 50% of the homes in the designated area and meet at least once a year. The meetings are for the purpose of sharing information and for people to get to know each other. In addition, it is not necessary that the police conduct or attend every meeting, and no citizen or group will be denied crime prevention assistance for failing to meet the above minimums.

The Crime Prevention Officer will continue as liaison with Neighborhood Watch groups in order to help maintain their existence, provide current crime prevention information and serve as an advisor and police representative to the groups. The department feels strongly that this type of police/community involvement serves to reduce criminal activity and increase the crime awareness level of our citizens.

2-5-10 AGENCY PROMOTION OF CRIME PREVENTION PROGRAMS

The Buffalo Police strongly encourage citizens to make use of available crime prevention programs. This includes Operation ID, Neighborhood Watch, Security Surveys and the dissemination of information. These programs are available to all citizens. However, if an area

experiences a specific crime problem, that area, with support from the residents/businesses, will be targeted for crime prevention programs. All department personnel will support these efforts by providing additional patrol, investigation and owner contacts.

2-5-11 LIAISON TO INTERESTED COMMUNITY GROUPS

The department's Crime Prevention Officer will maintain and develop contacts with the local businesses, civic, community and Neighborhood Watch groups. In addition, the officer will keep current on the latest crime prevention techniques and ideas.

When practical, the Crime Prevention Officer will attend local and regional meetings and conventions in order to maintain a liaison with other crime prevention personnel and to exchange ideas and programs.

When requested, the Crime Prevention Officer will be available to schools, civic and community groups, and other agencies or businesses in order to discuss and/or present current crime prevention techniques and/or ideas. Crime prevention assistance will be made available upon request.

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2-6 COMMUNITY SERVICE OFFICER PROGRAM

2-6-1 PURPOSE

The purpose of this policy is to outline the position of Community Service Officer (CSO) within the Buffalo Police Department, and the related function and responsibility. This policy is designed to set forth authority, and active participation of CSO's within the Buffalo Police Department. The purpose of the CSO shall be to assist the Buffalo Police Department under the order and directions of the Buffalo Police Department Officers in enforcement of law and order during any emergencies/non-emergencies declared by the Officer on duty, or Chief of Police in the City of Buffalo. To render services as required by the Buffalo Police Department, and render police service upon occasion, when in the opinion of the Officer on duty, such augmentation to the regular department is essential to the public welfare and safety.

The service of the CSO shall not be used in any manner that would circumvent the development of the full-time licensed police staff to its proper strength, nor shall the services of the individual members be used to the detriment of the personnel of the regular Police Officers.

The territorial limits on the activities of the CSO in carrying out their purposes shall be consistent with the ordinances, resolutions and all other rules establishing territorial limits for the regular police force.

2-6-2 POLICY

It shall be the policy of the Buffalo Police Department to utilize Community Service Officers to supplement and enhance the department's resources, and during special events, and/or in the event of an emergency. Through their participation, Community Service Officers will assist in carrying out the mission of the Buffalo Police Department. While serving as a Community Service Officer, all State Laws and regulations governing authority functions and duties will be complied with.

It shall also be the policy of the Buffalo Police Department to provide for model training to assist the Community Service Officer in the performance of their duties, and to provide for

positive learning experience, relative to obtaining a position as a full-time Peace Officer if so desired.

All CSO's are accountable to the Buffalo Police Chief and designated supervisors.

2-6-3 PROCEDURES

2-6-4 SCOPE

The primary function of the CSO Unit shall be to provide and carry out community service tasks, as well as to assist with duties of the department not requiring a sworn Police Officer. The Police CSO is meant to enhance the police department resources by providing police assistance during scheduled functions, such as parades, street dances, school functions, and celebrations as well as in times of City emergencies or disasters. In addition, the CSO's are to aid the regular police during emergencies, in the protection of life and property, the preservation of public peace and order, the prevention of crime, the regulation and control of traffic and the enforcement of the state laws and ordinances of the city.

2-6-5 SUPERVISION/DIRECTION

Community Service Officers are subject to supervision by the following individuals, in order of precedence:

A. The Chief of Police.
B. Any other Supervisor of the Buffalo Police Department
C. Any Full-time Sworn Officer of the Buffalo Police Department.

Community Service Officers shall at all times serve under the supervision of a full-time Licensed Officer. Community Service Officers shall not be assigned to any duties requiring a licensed officer.

2-6-6 DIRECTION OF DUTIES

Regular sworn Officers of the Buffalo Police Department should forward work direction, complaints, or other needs regarding the Community Service Officers, through the appropriate chain of command whenever possible.

Due to the confidential nature of information divulged to Community Service Officers, it shall be understood by all members that any and all information regarding his/her duties as a department member will be held as strictly confidential and not be discussed in any manner with persons not officially affiliated with the Police Department.

2-6-7 SELECTION CRITERIA

Consideration for appointment to the Buffalo CSO Program will consist of the following:

A. All applicants will be at least 18 years of age or older.
B. All applicants must be a U.S. Citizen.
C. All applicants must have a High School Diploma or have a GED equivalent.
D. All applicants must have a valid driver's license and a good driving record.
E. The applicant will be required to sign a release from liability and indemnity agreement from the City of Buffalo.
F. The applicant will be able to attend training meetings and duty assignments minimums.
G. All applicants are expected to meet attendance minimums and to participate in events on a fair share basis.

2-6-8 APPLICATION AND PROCESS

All applicants for the CSO Unit must submit an employment application and must meet all established criteria for hiring as outlined in the City Personnel Policy, as well as meeting any established Police Department guidelines.

2-6-9 BACKGROUND INVESTIGATION

All applicants for the CSO Unit must complete a background investigation packet as submitted, and will be subject to a background investigation.

Any criteria, which would otherwise disqualify a person from being hired as a full-time peace officer, shall be immediate grounds for discontinuance of consideration for the position of Community Service Officer.

No applicant will be appointed having any gross-misdemeanor or felony convictions. A physical and psychological evaluation may be required and is at the expense of the applicant. A written and oral examination may be required.

An unfavorable background investigation will be automatic grounds for discontinuance of consideration for the position of Community Service Officer.

2-6-10 SELECTION

The Chief of Police shall have sole and final authority with regard to the appointment of any person to the position of Community Service Officer.

2-6-11 TRAINING

All Community Service Officers must demonstrate proficiency and/or complete a training

program consisting of the following:

A. Motor Vehicle Operations
B. Orientation Skill and Jurisdictional Geography
C. Written Communication
D. Field Performance and Cognitive Abilities
E. Field Operations and Procedural Application
F. Officer Safety
G. Telecommunications Skills
H. Criminal Law and Ordinances
I. Department Policy and Procedure
J. Traffic Enforcement
K. Relationships
L. Department Orientation
M. Officer Skills
N. Police Services
O. Legal Procedures
P. Complex Investigations
Q. Field Exercises
R. Civil and Criminal Liabilities
S. Minnesota Laws and City Ordinances
T. Constitutional Rights
U. Courtroom Procedures
V. Report Writing
W. Confidentiality of Information
X. Concepts of Community Policing
Y. Special Response Training
Z. Dispatching Operations

2-6-12 MEETINGS

CSO's may be required to attend department meetings or other meetings as directed by the Chief of Police or designee.

2-6-13 TRAINING

Certain types of training, i.e. Emergency Reponder, etc., are required for continued employment as a CSO with the Buffalo Police Department. All reasonable efforts will be made to arrange these required training courses in a manner that will provide an opportunity for the CSO's to attend. If, following these reasonable efforts, a CSO fails to attend required training, they may be subject to disciplinary action, up to and including termination.

2-6-14 ARRESTS

2-6-15 ARREST PROCEDURES

If an offense occurs in the presence of an on-duty Community Service Officer, when not accompanied by a licensed officer, the Community Service Officer shall immediately call for a licensed officer. Community Service Officers shall have the same arrest authority as a private citizen. If a Community Service Officer determines it is necessary to make a citizen's arrest, the Community Service Officer:

A. Shall advise the person that they are under arrest for the offense that was committed
B. Shall use no more force than absolutely necessary for the safe custody of the subject
C. Shall turn the person arrested over to a licensed officer as soon as possible after the arrest
D. May be required to complete various reports to accompany the licensed officer's report.

If an offense occurs in the presence of an off-duty Community Service Officer they shall call for a licensed officer immediately and observe from a safe distance until the licensed officer arrives. A Community Service officer shall proceed to crime scenes only if requested to report for duty. While off-duty, members may identify themselves as Community Service Officers only when assisting other police officers.

2-6-16 USE OF FORCE

Community Service Officers may only use force against another person as directed by department policy, the Officer in charge, and consistent with their training.

2-6-17 CONDUCT AND DISCIPLINE

2-6-18 CONDUCT

All Community Service Officers are expected to maintain the finest standards of moral and ethical decency.

Community Service Officers are subject to all department policies and procedures unless they are specifically exempted, or the policy or procedure clearly has no application to their function.

Community Service Officers either on or off duty, will conduct themselves at all times in such a manner as to not bring discredit upon themselves, the Buffalo Police Department or the law enforcement profession. Failure to do so will subject the Community Service Officer to disciplinary action and/or suspension, or termination.

2-6-19 COMPLAINTS

All internal complaints concerning Community Service Officer issues will be routed to a supervisor.

2-6-20 DISCIPLINE

Community Service Officers who fail to follow policy or who fail to meet Program Requirements will be subject to discipline.

2-6-21 DEPARTMENT VEHICLE USAGE

2-6-22 GENERAL USAGE

Department Vehicles may be used by the Community Service Officers for the following purposes:

A. For official duty purposes
B. Transportation to and from any approved Program Function.
C. Use during any approved Program Function.
D. As approved by a supervisor or the Chief of Police.

2-6-23 OBEDIENCE TO LAWS

Community Service Officers must obey all laws as they pertain to vehicle operations. Community Service Officers responding to emergency calls for service shall comply with PO 3-6, DEPARTMENT VEHICLE OPERATION.

2-6-24 USE OF POLICE BICYCLES

Community Service Officers may use Police Bicycles as allowed in Section 84 of this manual.

2-6-25 EQUIPMENT

Equipment purchased for Community Service Officers is the property of the City of Buffalo, and the Buffalo Police Department. As such, it is subject to the provisions of this manual pertaining to the care and maintenance of equipment.

2-6-26 UNIFORMS

All members of the Buffalo Police CSO Unit are expected to wear a suitable uniform. The designated uniform shall be worn at all times of duty status, unless otherwise approved in advance.

Community Service Officers are responsible for the proper care of their uniform and all City Of Buffalo equipment used. Any loss or damage to City property shall be reported to a supervisor as soon as possible.

A list of initial issue items for CSO's will be maintained. These items are issued at no cost to the CSO upon their hire. All items provided by the Buffalo Police Department will always be considered department property and must be returned upon separation from the unit. An inventory list shall be maintained for each Community Service Officer.

2-6-27 ACTIONS OF COMMUNITY SERVICE OFFICERS

Community Service Officers must remember that they are not sworn Police Officers, and they must not purport themselves to be. Any actions to the contrary could result in dismissal from the program, and possible criminal charges.

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2-7 DISCIPLINE

2-7-1 PURPOSE

Positive discipline is a form of training or instruction and a tool for personnel development. It must be encouraging, even motivational, to foster employee willingness to follow policies and procedures. Discipline should stimulate efficiency and effectiveness, attainment of agency goals and objectives, and encourage public support.

Violations of policy and procedures or law, call for prompt and impartial action. When complaints are sustained, view punitive action as a necessary constructive method. Punitive actions should enable each employee to change their own behavior upon being disciplined for unsatisfactory conduct.

2-7-2 POLICY

We make every effort to make discipline a precognitive, remedial and punitive process. Employee rights, and those of the public are preserved. The Buffalo Police Department tries to stay aware of employee behavior and takes proper disciplinary actions as necessary in a fair, impartial and timely manner.

2-7-3 PROCEDURES

2-7-4 PRECOGNITIVE DISCIPLINARY SYSTEM

Precognitive discipline begins internally by supervisors or the Chief of Police. They will recognize employees for 'a job well done' and for outstanding acts of public service.

2-7-5 TYPES OF PRECOGNITIVE DISCIPLINE

Depending on the importance of employee action, one of the following types is proper:

- **Verbal Appreciation** - Appreciation expressed verbally; or
- **Written Commendation** - A written commendation by the Chief of Police. The Chief of Police keeps written commendations on file in agency personnel records.

2-7-6 ANNUAL PERFORMANCE EVALUATION

Supervisors will consider precognitive behavior when completing performance evaluations of their assigned personnel.

2-7-7 REMEDIAL DISCIPLINARY SYSTEM

Remedial discipline begins with an undesirable behavior. Opportunities to improve skills and behaviors through training or counseling may be necessary for employees.

2-7-8 VERBAL COUNSELING

Immediate supervisors have the responsibility and authority to give verbal counseling. Record verbal counseling on notes and keep them in employee files for consideration at annual performance evaluation.

2-7-9 DOCUMENTED COUNSELING

The Chief of Police chooses and authorizes documented counseling as a remedial disciplinary action. Sustained complaints call for documented counseling.

- **Counseling of Employee** - An employee's immediate supervisor normally counsels the employee.
- **Documentation** - The supervisor documents counseling in a memorandum, recording the date, time, employee, offense and action taken.
- **Personnel Records** - An employee's personnel record includes any documented counseling reports.

2-7-10 IN-SERVICE TRAINING

The Chief of Police chooses and authorizes in-service training as a remedial disciplinary action. In-service training may be recommended by supervisors because of sustained complaints. An employee's personnel record includes documentation of any remedial in-service training.

2-7-11 PUNITIVE DISCIPLINARY SYSTEM

Flagrant or repetitious unacceptable behavior or actions calls for punitive discipline. Documentation of the disciplinary action becomes part of an employee's personnel record.

2-7-12 AUTHORITY FOR PUNITIVE DISCIPLINE

The Chief of Police chooses and authorizes punitive disciplinary actions. Punitive discipline may be required for flagrant or repetitious unacceptable employee behavior or actions.

2-7-13 TYPES OF PUNITIVE DISCIPLINE

Depending on the seriousness of employee action, the department applies one of the following types of punitive discipline for sustained complaints:

- **Oral Reprimand** - Oral Documented Reprimand;
- **Written Reprimand** - Letter of Reprimand;
- **Suspension** - Suspension for a specific number of days without pay;
- **Demotion** - Demotion to a lower rank with the adjusted pay grade; or
- **Discharge** - Termination from the department.

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2-8 FAMILY AND MEDICAL LEAVE

2-8-1 PURPOSE

The purpose of the Family Medical Leave Absence policy is to provide eligible employees with a leave of absence for certain family and/or medical reasons. An eligible employee must have been employed by the City for at least 12 months and have worked at least 1,250 hours in the 12 months preceding the commencement of the family and/or medical leave.

2-8-2 POLICY

This policy governs all City of Buffalo employees who meet the Coverage and Eligibility requirements.

2-8-3 PROCEDURES

A. City Policy

The policy of the City of Buffalo regarding FMLA is contained within the City's personnel policy manual. All members of the Buffalo Police Department are covered by this policy.

B. Leave Requests

All requests for leave under this policy shall be submitted to the Department Head who will route the request to the City Administrator.

BUFFALO POLICE DEPARTMENT
GENERAL ORDERS

Effective: 08/18/2022	Reevaluation Date: FEBRUARY 2024

2-9 IMPARTIAL POLICING

2-9-1 POLICY

It is the policy of the Buffalo Police Department to reaffirm our commitment to impartial policing and to reinforce procedures that serve to assure the public we are providing service and enforcing laws in a fair and equitable manner to all.

2-9-2 DEFINITION

Racial profiling has the meaning given to it in Minn. Stat. 626.8471, Sub. 2. Which states:
"Racial profiling," means any action initiated by law enforcement that relies upon the race, ethnicity, or national origin of an individual rather than:
(1) The behavior of that individual; or
(2) Information that leads law enforcement to a particular individual who has been identified as being engaged in or having been engaged in criminal activity.
Racial profiling includes use of racial or ethnic stereotypes as factors in selecting whom to stop and search. Racial profiling does not include law enforcement's use of race or ethnicity to determine whether a person matches a specific description of a particular subject.

2-9-3 PROCEDURES

A. Policing impartially, not racial profiling, is standard procedure for this agency meaning:

1. Investigative detentions, pedestrian and vehicle stops, arrests, searches and property seizures by peace officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the United States Constitution. Peace officers must be able to articulate specific facts, circumstances and conclusions that support reasonable suspicion or probable cause for investigative detentions, pedestrian and vehicle stops, arrests, nonconsensual searches and property seizures;
2. Except as provided in paragraph **3.**, Peace officers shall not consider race, ethnicity, national origin, gender, sexual orientation and religion in establishing either reasonable suspicion or probable cause; and
3. Peace officers may take into account the descriptors in paragraph **2.** based on information that links specific, suspected, unlawful or suspicious activity to a particular individual or group of individuals and this information may be used in the same manner

officers use specific information regarding age, height, weight, etc. about specific suspects.

B. In an effort to prevent the perception of biased peace officers shall:

1. be respectful and professional;
2. introduce or identify themselves to the citizen and state the reason for the contact as soon as practical unless providing this information will compromise officer or public safety;
3. ensure the detention is no longer than necessary to take appropriate action for the known or suspected offense;
4. attempt to answer any relevant questions the citizen may have regarding the citizen/officer contact including relevant referrals to other agencies when appropriate;
5. provide their name and badge number when requested, preferably in writing or on a business card; and
6. explain and/or apologize if it is determined the reasonable suspicion was unfounded (e.g. after an investigatory stop).

C. Supervisors shall ensure all personnel in their command are familiar with the content of this policy and are in compliance.

2-9-4 DUTY TO REPORT

Every member of this department shall perform their duties in a fair and objective manner and are responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

2-9-5 VIOLATIONS

Alleged violations of this policy must be reported to POST in accordance with the reporting requirements in Minn. Stat. 626.8457.

BUFFALO POLICE DEPARTMENT
GENERAL ORDERS

Effective: 01/25/2019	Reevaluation Date: FEBRUARY 2024

2-10 INTERNAL AFFAIRS

2-10-1 PURPOSE

The purpose of this policy is to ensure that all allegations of employee misconduct or criticism of Police Department services are acknowledged and addressed. To succeed in this endeavor, this order establishes a comprehensive departmental process to respond to such inquiries and complaints. Its purpose is to provide citizens with a fair and effective avenue to voice their legitimate grievances against the actions of the Police Department, yet to protect departmental employees from false charges of misconduct and wrongdoing.

2-10-2 POLICY

It is the policy of the Buffalo Police Department that any person who believes that an employee of the Buffalo Police Department has acted improperly may bring a complaint to the attention of the Chief of Police, pursuant to the procedures outlined herein.

2-10-3 PROCEDURES

2-10-4 DEFINITIONS

A. Department Head means the Chief of Police.
B. Complainant means a person who submits a complaint with the Department Head alleging misconduct by a department member.
C. Complaint means a statement, which is made to or by a Department Head in writing, which alleges misconduct by an employee of the Buffalo Police Department.
D. Discipline means the following:
    1. Oral Reprimand – This form of reprimand may be documented by the supervisor giving the reprimand for future reference only. This form of reprimand will not be included in an employee's personnel file, and union notification is not required.
    2. Written Reprimand – A written reprimand shall be prepared on departmental form IA-04. Upon signing for receipt of the reprimand, the employee shall

receive a copy; the original shall be placed in the employee's personnel file; and a copy shall be sent to the Union.

3. Suspension – Suspensions shall, absent exigent circumstances, be preceded by a Suspension Notice Form IA-05. Upon signing for receipt of the Suspension Notice the employee shall receive a copy; the original shall be placed in the employee's personnel file; and a copy shall be sent to the Union.
4. Demotion – Notice of demotion shall be in written letter form. Upon signing for receipt of the demotion notice the employee shall receive a copy; the original shall be placed in the employee's personnel file. Unless required by contract, union notification of demotion is not required.
5. Discharge – Notice of discharge shall be in written letter form. Upon signing for receipt of the discharge notice the employee shall receive a copy; the original shall be placed in the employee's personnel file; and a copy shall be sent to the Union.
6. Exception: The term "Discipline" does not include counseling and training provided by an employee's supervisor in methods of performance, whether originating internally or externally, unless the documentation of that activity specifically states it is an oral or written reprimand.

E. Department Member means all voluntary and paid personnel of the Buffalo Police Department.

F. Exonerated means a fair preponderance of the evidence established either that:
1. The act, or acts, complained about did not occur; or
2. The Department Member named in the complaint was not involved in the alleged misconduct; or
3. The act(s) that provided the basis for the complaint occurred, however, the investigation revealed that such act(s) were justified, lawful, and/or proper.

G. Not Sustained means the investigation failed to disclose sufficient evidence to prove or disprove the allegations made in the complaint.

H. Sustained means a fair preponderance of the evidence obtained in the investigation established that the accused person's actions constituted misconduct.

I. Sustained with Qualifications means that the investigation disclosed that the action complained about did in fact occur, but not in the manner or to the degree stated and/or mitigating circumstances were present.

J. Formal Statement means the questioning of a Department Member in the course of obtaining a recorded, stenographic, or signed statement to be used as evidence in a disciplinary proceeding against the Department Member.

K. Respondent means any Department Member whether full-time, part-time, temporary, or voluntary, whom a complaint has been filed against.

L. Misconduct means:
1. A violation of any department policy and procedure governing conduct of Department Members;
2. The use of unnecessary or excessive force;
3. The conviction of any criminal offense;

4. Abuse of authority;
5. Conduct which violates a person's civil rights;
6. Abusive or insulting language or conduct which is derogatory of a person's race, religion, sex, national origin, or sexual preference;
7. Sexual harassment as that term is defined under Minnesota law;
8. Intimidation or retribution toward a complainant or witness involved in any complaint proceeding;
9. An action or omission by an employee of the Buffalo Police Department which does not conform to prevailing law, department rules and procedures, or personnel rules, and which could result in disciplinary action if sustained.

M. Policies and Procedures means the administrative rules adopted by the Department regulating the conduct of Department Members.

N. Shall/Will means, as used herein, that the action required is mandatory.

O. May shall mean that the action is permissible.

P. Receiving Authority means that person who receives the complaint when the subject of the complaint is a Department Head.

Q. Performance Matter means specific issues or methods related to the provision of police services by an employee of the Buffalo Police Department that are not classified as misconduct due to the following factors:
1. The inquiry relates to a minor rule violation;
2. The inquiry is likely to be resolved by training and counseling even if the alleged facts are true;
3. There is no known pattern of similar conduct by the employee; and
4. There is no evidence of bad faith or intent to do wrong. Minor issues such as attitude, demeanor, courtesy, tardiness, and attendance will frequently be classified in this category.

R. Question means an inquiry that relates to the actual and authorized methods of providing police services by the Buffalo Police Department or the specific actions of an employee of the Buffalo Police Department.

S. Inquiry means a report by a reporter on the way police services were or were not provided by employees of the Buffalo Police Department or the specific actions of an employee of the Buffalo Police Department.

2-10-5 INTERNAL AFFAIRS MANAGEMENT

2-10-6 RECEIPT AND DOCUMENTATION OF INQUIRIES

A. All External Inquiries or Complaints, shall be recorded on the department's Initial Inquiry Form IIF (IA-15). The information requested on this form shall be completed as accurately and as thoroughly as possible by the member accepting or initiating the Inquiry. Internal Inquiries or Complaints may be filed with or by the Chief of Police, either through Form IIF, or through a Memorandum of Complaint.

B. Inquiry Forms, or a Memorandum of Complaint, may be completed only by members of the department who, by rank or organizational designation, are considered to be supervisors, or as directed by the Chief of Police.
C. Non-Supervisory departmental members who receive an Inquiry must advise the complainant that all Inquiries and Complaints must be routed through a supervisor. The departmental member should advise the complainant that they can have a supervisor re-contact them, the complainant may re-contact the department when a supervisor is scheduled to work, or they may obtain an Initial Inquiry Form (IA-15) and complete the form on their own.
D. Non-Supervisory departmental members wishing to initiate an Inquiry must contact a supervisor to begin the process.

2-10-7 PROCEDURES FOR INITIATING AN INQUIRY OR COMPLAINT

A. Anyone who has personal knowledge of facts or who has reliable hearsay information may file an Inquiry or Complaint. Any Department Member who has personal knowledge of misconduct shall file an Inquiry or Complaint according to the procedures stated herein.

Note: A juvenile may not file an Inquiry or Complaint under this section. All Inquiries or Complaints related to actions against juveniles must be filed by the juvenile's parent or legal guardian.

B. Any Department Member shall self-report to the Department Head and to the Peace Officer Standards and Training Board any action, inaction, or condition of that Department Member which the Department Member reasonably believes would constitute grounds for disciplinary action under any of the Peace Officer Standards and Training Board's regulatory provisions.
C. Upon receiving an External Inquiry or Complaint against a member within the Department, the Department Head or Supervisor receiving the Inquiry or Complaint, shall immediately have the Complainant complete an Initial Inquiry Form IIF (Form IA-15). The Inquiry or Complaint will not be considered filed until the Complainant signs the IIF. If the Inquiry or Complaint is of an Internal nature, the Complainant may file and sign either an IIF or Memorandum of Complaint.
D. If the person making an Inquiry or Complaint sets forth specific believable facts supporting an allegation of misconduct, but wishes to remain anonymous, the Department Head receiving the Inquiry or Complaint may at the Department Head's sole discretion, permit the Complainant to remain anonymous. In this instance the Department Head shall sign the Inquiry or Complaint as the Complainant. If the Department Head has reason to believe that the Inquiry or Complaint is unfounded, the Department Head shall have the authority to require an anonymous Complainant to identify themselves. If that Complainant refuses to do so, the Department Head may

refuse to accept the Inquiry or Complaint and shall advise the anonymous person of that fact.

E. A supervisor may generate an Inquiry or Complaint upon becoming aware of information related to employee misconduct or performance, and as outlined in this section.

F. After an IIF is filed, the Department Head shall sign the document, keeping a copy for the Department, and giving or mailing a copy to the Complainant. The Department Head will forward a copy of the document to the Respondent as required and appropriate, as dictated by this policy.

G. A Complainant may be accompanied by an attorney or other appropriate representative at the time an Inquiry or Complaint is filed or at any other stage of the process.

H. Any Complaint made against the Chief of Police, shall be initially made to the City Administrator as the designated Receiving Authority. Upon receiving a Complaint, the Receiving Authority shall immediately have the Complainant complete an IIF. The Complaint will not be considered filed until the Complainant signs the IIF.

I. If the person making a Complaint sets forth specific believable facts supporting an allegation of misconduct, but wishes to remain anonymous, the Receiving Authority may at their sole discretion, permit the Complainant to remain anonymous. In this instance the Receiving Authority shall sign the Complaint as the Complainant. If the Receiving Authority has reason to believe that the Complaint is unfounded, the Receiving Authority shall require the anonymous Complainant to identify themselves. If that Complainant refuses to do so, the Receiving Authority may refuse to accept a Complaint and shall advise the Complainant of this fact.

J. Where investigation is warranted, the Receiving Authority should refer investigations of alleged misconduct against the Chief of Police to an outside Law Enforcement Agency or Criminal Justice Agency.

2-10-8 REVIEW OF INQUIRIES

A. All documented Inquiries or Complaints shall be forwarded to the Chief of Police for review.

B. The Chief of Police will classify the Complaint or Inquiry as one of the following based upon the definitions contained in this policy:

1. Performance Matter
2. Complaint
3. Question

C. Following initial classification, the Chief of Police will refer the matter to the appropriate person for follow-up as outlined in this policy.

2-10-9 PROCEDURES FOR INQUIRES CLASSIFIED AS A PERFORMANCE MATTER

A. Inquiries classified as Performance Matters shall be forwarded to the appropriate supervisor for resolution.

B. The supervisor assigned to the Inquiry shall discuss the incident with the Officer(s) involved.
    1. The supervisor may contact the Complainant, if necessary, to acquire a firm understanding of the alleged facts.
    2. The supervisor should not make a specific determination of whether the alleged conduct occurred or whether it constitutes a violation of any rule.
    3. The focus of the discussion with the officer(s) involved will be to discuss alternatives, if any, that might have led to a more positive outcome.

C. The supervisor assigned to resolve a Performance Matter shall then submit a report to the Chief of Police (Form IA-13) outlining the following information:
    1. Name of Employee;
    2. Details of the incident, emphasizing the subject of the inquiry, if not adequately documented in previous reports
    3. Actions Taken; and
    4. Recommendations for further counseling or training or reference to the supervisor's actions to accomplish this purpose, if appropriate.

    NOTE: There is no intent to make specific findings on any such incident, but rather, to encourage meaningful discussion between supervisors and employees on how a given situation might have been handled differently, if appropriate.

D. The Chief of Police shall review the report (IA-13), and based on that report, the Chief of Police may take any of the following actions:
    1. Place the report in the Supervisory File for a predetermined period, indicating that if there are no further similar training or counseling issues raised as of that date, the report will be removed and destroyed.
    2. Conduct additional counseling or instruction with the employee.
    3. Refer the employee to any formal training that might be appropriate.

E. An employee shall be advised of the action taken by the Supervisor and/or Chief of Police in reference to an action under this section.

2-10-10 PROCEDURES FOR INQUIRIES CLASSIFIED AS QUESTIONS

A. Inquiries classified as Questions shall be forwarded to the appropriate supervisor for resolution.

B. The supervisor assigned to handle the Question will investigate and/or research the issue to gather the pertinent facts.

C. The supervisor assigned to handle the Question will complete a Memorandum outlining their findings and will forward a copy of this report to the Chief of Police for review and determination.

2-10-11 PROCEDURES FOR INVESTIGATION OF A COMPLAINT

2-10-12 INITIAL REVIEW

A. Upon receipt of the IIF, or Memorandum of Complaint, the Department Head shall make an initial determination whether the facts alleged require a formal investigation. The initial determination by the Department Head will include one of the following:

1. No Formal Investigation is required, as Misconduct has not occurred. In this case, the Department Head will issue a finding of "Not Sustained" or "Exonerated". The complainant and the Respondent will be notified of this decision and the basis for determination, and a Service Review Form (IA-02) will be completed. If the Complainant supplies additional information within thirty (30) days of that initial determination, the Department Head may reverse this decision and order a formal investigation.
2. No Formal Investigation is required, as Misconduct has determined to have occurred, based on preliminary investigation and information, and can be proved without a Formal Investigation process. In this case, the Department Head may make a finding of "Sustained", or "Sustained With Qualifications." The Department Head may make a determination as to what discipline, if any, shall be carried out as a result of the misconduct, and the appropriate documentation will be completed.
3. The Complaint should be reclassified as a Question or Performance Matter. If the Complaint is reclassified as a Question or a Performance Matter, the incident will be investigated as outlined in this chapter.

B. If the Department Head determines that a formal investigation is required, an appropriate person will be assigned to investigate the complaint. When the Department Head believes an external investigation is appropriate; and/or when the Department Head is the subject of the complaint, the investigation will be assigned to an external agency.

2-10-11 COMPLAINT INVESTIGATION - PRELIMINARY

A. A preliminary investigation of a Complaint consists of the steps taken by the assigned investigator immediately after it is determined that a complainant has alleged misconduct.

B. The investigator conducting a preliminary investigation of misconduct shall:

1. Conduct a formal interview of the complainant;
2. Prepare a written report of the complainant's statement;
3. Identify all involved employees;
4. Obtain the full names, address, telephone numbers and dates of birth, Drivers License Numbers of all witnesses;
5. Ensure that physical evidence is preserved;
6. Ensure appropriate color photographs to be taken of claimed injuries;

7. If possible, obtain a medical release from all parties whose medical condition or injuries are a factor in the investigation.
8. Obtain copies of related crime and arrest reports, dispatch printouts, or other documents, if readily available.
9. Prepare a Personnel Complaint Form. (IA-01);
10. Provide a copy of the Personnel Complaint to the complainant; and
11. Submit the original Personnel Complaint form, the written statement of the complainant, all notes and tape recordings made, and any other materials gathered in the preliminary investigation to the Chief of Police.

2-10-12 FORMAL INVESTIGATION - NOTIFICATION

A. The Chief of Police will issue officers a written statement of allegations and officer rights and responsibilities when officers become the subject of a Formal internal affairs investigation.

B. The notification to any employee who is the subject of a Formal internal affairs investigation shall include the following:
   1. Notice of the investigation and the investigator assigned to conduct the investigation.
   2. Notice of the employee's right to representation in any interviews to be conducted as a part of the investigation.
   3. A reference to the employee's labor union contract and the Police Officer's Discipline Procedure Act concerning additional rights the employee might have in the investigation process.
   4. The specific rule or regulation the employee's conduct may have violated if the alleged complaint is sustained.
   5. A brief factual description of the details of the Complaint.

C. The Chief of Police may withhold employee notification if any such notification would jeopardize the conduct of the investigation; however, a notification must occur prior to the formal interview of any employee who is the subject of the investigation.

2-10-13 COMPLAINT INVESTIGATIONS - FORMAL

A. A formal investigation consists of the steps taken by the personnel complaint investigator assigned to investigate the personnel complaint and prepare the final investigative report. The formal investigation takes place after the initial and preliminary investigations are complete.

It is at this point in the investigation of personnel complaints that the provisions of the Peace Officer Discipline Procedures Act shall apply, with respect to the taking of formal statement from the officer(s) named as the actor(s) in an allegation of misconduct.

It is also at this point in the investigation that the Chief of Police shall determine if the investigation shall be conducted as an internal violation, a criminal violation, or both. When there is probable cause to believe there is a likelihood of potential criminal prosecution against the officer(s) being investigated, the Chief shall consult with the appropriate prosecuting authority prior to the taking of the officer's formal statement.

B. A formal complaint investigation may be conducted only by the Chief of Police, a Supervisor, or the Chief of Police's specific designee.

C. The formal complaint investigation shall consist of all necessary investigative processes, including but not limited to:
    1. Complete statements of all victims and witnesses;
    2. Compilation of all related reports, audio or visual records, medical records, or other related documentations.
    3. Completion of all appropriate specialized investigative techniques and medical testing processes;
    4. Compilation and analysis of all physical evidence;
    5. Lawfully completed statements of all officers named as actors in the alleged misconduct;
    6. An investigative case summary

D. At the point that a Formal Complaint Investigation begins, the Chief shall assign an Internal Affairs control number to the case. The control number shall be constructed as follows: The prefix letters M.A. (Misconduct Allegation), followed by the last two digits of the current year, followed by the two-digit chronological complaint number of the current year. (Example: MA-02-01 / MA-02-03, etc.).

E. The investigator shall, as soon as possible after being assigned the investigation, inform the Complainant of his or her name, business phone number, and the status of the Complaint.

F. The investigator shall thoroughly investigate all allegations contained in the Complaint and any other potential misconduct discovered in the course of the investigation. If the investigation reveals potential misconduct by another Department Member, the investigator shall report that fact immediately to the Department Head.

G. The investigator shall prepare a report which will contain all relevant information, organized into the following three (3) sections:
    1. Allegations: An itemized summary of the acts of misconduct alleged in the complaint. Reference shall be made to those rules, procedures, orders, statutes, or constitutional provisions that would be violated if the allegations are found to be true.
    2. Investigation: A chronological summary of the investigation, including all pertinent facts obtained through interviews with the Complainant, accused

Department Member and all available witnesses. Written statements, descriptions, and analysis of any physical evidence, and all other relevant information shall be included.

3. Conclusions: The investigator's findings, conclusions as to whether any misconduct occurred, and the underlying reasons for the findings and conclusions.

H. The investigation shall be completed within thirty (30) days of the filing of the Complaint, unless for good cause, the Department Head grants an extension. The Complainant and Respondent shall be informed of any extension of time granted.

2-10-14 ADDITIONAL INVESTIGATION, REVIEW, AND DISPOSITION

A. Upon completion of the investigation, the investigator shall submit the report, case file, and all investigative notes to the Department Head.

B. Before making a determination regarding discipline related to Suspension, Demotion, or Termination, the Chief of Police will conduct a pre-disciplinary hearing. During this hearing, the Respondent will have an opportunity to present statements, explain actions, or provide any other favorable evidence on their behalf. The Respondent may be represented at this hearing.

C. The Department Head may require additional investigation or make one of the following decisions: Exonerated, Not Sustained, Sustained with Qualifications, or Sustained.

D. The Department Head may postpone making a decision until any related criminal charges are resolved. The Complainant and Respondent shall be informed of this decision.

E. If the decision is "Exonerated" or "Not Sustained", the Department Head shall immediately notify the complainant and the Respondent of the decision.

F. If the Complaint is "Sustained" or "Sustained with Qualifications", the Department Head will:

1. Issue findings of fact including a summary of the acts constituting misconduct and the specific statutes, policies, regulations and procedures violated.

2. Take appropriate remedial and/or disciplinary action.

G. Prior to the implementation of remedial and/or disciplinary action, the Respondent and the Complainant will be provided with a copy of the findings of fact. The Department Head and/or appropriate person shall review the findings of fact with the Respondent and explain the reasons for the remedial and/or disciplinary action.

H. Upon determining final disposition of a Complaint, the Chief of Police or designee will file Complaint Disposition Report Form IA-03, and both the Respondent and the Complainant will be notified of the final results, within the allowable parameters of the Data Practices Act.

I. The investigation may be re-opened by the Department Head at any time if substantial new evidence is discovered concerning the Complaint.

J. When a “Sustained” or “Sustained with Qualifications” disposition is final, the Respondent may appeal the disposition pursuant to the rules and law governing the accused member’s employment.

K. Department Heads will accept appeals from Complainants as appropriate if received within twenty (20) days of final disposition.

2-10-15 MAINTENANCE AND DISCLOSURE OF DATA

A. All data collected, created, or received by the Department in connection with this policy and procedure shall be maintained in accordance with the Department’s Record Retention Schedule.

B. The placement of the disposition report or other data in an employee’s personnel file shall be governed by the Department’s Personnel Policy.

C. Access to data collected, created, or received in connection with this policy or procedure may only be authorized by the Department Head or the Department’s Data Practices “Responsible Authority”, and as provided by Chapter 13, the “Minnesota Government Data Practices Act”, or valid court order.

2-10-16 RELIEF FROM DUTY

2-10-17 TEMPORARY RELIEF FROM DUTY

Temporary relief from duty is an administrative action reassigning officers to temporary duties, or total relief of duties. If officer use of force results in a death to any person, the Chief of Police will relieve officers from line duty. The Chief of Police may relieve officers from duty when officer use of force results in a serious injury to any person or following serious allegations of misconduct. Temporary relief from duty is:

A. **Non-disciplinary** - Temporary relief from duty is a non-disciplinary action without loss of pay or benefits and does not show or imply that officers acted improperly.

B. **In Officer Interest** - Temporary relief from duty is to protect officer interests and shield officers from community confrontation, although officer actions might have been totally justified.

C. **In the Community's Interest** - Temporary relief from duty is to protect the community's interest when officer actions might not have been justified.

2-10-18 EMERGENCY RELIEF FROM DUTY

Supervisors have authority to take immediate action, effecting an emergency relief from duty, with pay, until the next working day. When necessary, they take such action for the best interests of the police department. Supervisors shall document an emergency relief from duty with a written report to the Chief of Police.

2-10-19 SUSPENSION OR DISCHARGE

General provisions of suspension and discharge are covered under the Union Contract and in the Personnel Policy.

During the period of suspension or following discharge, the affected member of the department shall not wear their uniform, shield of office, or receive any pay allowance. Forfeiture of pay allowance shall not apply during suspension with pay.

Evidence of violation of any one or a combination of any of the policies contained within this manual shall constitute reasonable and probable cause for the Chief of Police to discipline any member of the police department in accordance with the provisions of the Union Contract and Personnel Policy.

2-10-20 OFFICER AVAILABILITY

When relieved of duty officers must be always available and are subject to recall to duty. Investigators or the Chief of Police may need officers during this review time to resolve any unanswered questions, enabling a quick resolution and end to the investigation and review process.

2-10-21 DISCIPLINARY ADMINISTRATIVE LEAVE

A. Chief of Police. The Chief of Police may impose all forms of discipline and corrective action granted by policy or ordinance, and can recommend the appropriate actions to the City Administrator in those situations in which the Chief is not empowered to act without first receiving approval from the Administrator or City Council.
B. An employee may be placed on Disciplinary Administrative Leave when the employee's behavior, actions, or physical condition endanger the employee or another person; substantially impair efficient, orderly police operations; or substantially affect the public perception of the department's ability to perform it's expected function. Examples of such behavior would include, but not be limited to the following:
    1. Reporting for duty under the influence of alcohol or drugs;
    2. Insubordination to the point of endangering a human being or endangering orderly, safe and efficient police operations and practices;
    3. Being arrested for, or charged with, a criminal offense which would erode public confidence in the department;
    4. Failing to maintain a valid driver’s license or P.O.S.T. license.

C. Disciplinary Administrative Leave is both temporary and situational. One case may require such leave for hours only, while another may require a leave of several days. During this leave period the employee is paid his/her normal wage, and is not considered to be suspended.
D. Any Supervisor placing an employee on Disciplinary Administrative Leave shall immediately notify the Chief of Police, and shall prepare a comprehensive report of the incident. The Chief shall then cause the Complaint process to begin.

2-10-22 FORMAL STATEMENTS

2-10-23 TAKING A FORMAL STATEMENT FROM ACCUSED PEACE OFFICER

A. A formal statement is specifically defined as "the questioning of an officer in the course of obtaining a recorded, stenographic or signed statement to be used as evidence in a disciplinary proceeding against the officer."
B. All formal statements are to be taken with consideration for all necessary advisories described herein, as well as with consideration for the rights provided in the Peace Officer Discipline Procedures Act.
C. Formal statements are taken from an officer accused of misconduct during the Formal Complaint Investigation stage of this Policy.
D. In the course of taking a formal statement from an officer for non-criminal violations or during an investigation that is focusing on internal administrative charges as opposed to criminal charges, the following procedures must be adhered to:
    1. The statement must be taken at a facility of the employing or investigating agency, or at a place agreed to by the investigating individual and the investigated officer. (Note: The preference is that the interview site be the police department whenever possible).
    2. Prior to the statement being taken, a signed Complaint form exists in the file and a summary of the allegation(s) is provided to the officer(s) being investigated. (Note: Complaints may be signed by any non-member complainant; by any member supervisor; or by any member supervisor having knowledge of another person's complaint).
    3. Sessions at which formal statements are taken must be of reasonable duration and must give the officer reasonable periods for rest and personal necessities. (Note: A general guideline to use would be a ten minute rest period for every one hour of interview time. Additionally, a one hour meal break should be provided for every four hours of interview time. The formal record should include all starting and stopping times for interview sessions and breaks).

4. If the session is not held during the officer's regularly scheduled work shift the officer must be paid at the officer's current compensation rate for time spent attending the session (Note: It is the position of the department that the officer, if not actually on-duty, be paid at a rate of time and one-half for participating in these sessions).

   Furthermore, a minimum notice to appear for a formal statement should be 24 hours, absent exigent circumstances. To arrange for a formal statement to be taken, the officer must be served with the "Notice of Formal Statement." Form (IA-07).
5. A complete record of sessions at which a formal statement is taken must be made by electronic recording or otherwise. Upon written request of the officer whose statement is taken, a complete copy of transcript must be made available to the officer without charge or undue delay. The session may be tape recorded by the investigating officer and by the officer under investigation.
6. The officer whose formal statement is taken has the right to have an attorney or Union representative of the officer's choosing present during the session. The officer may request the presence of an attorney or Union representative at any time before or during the session. When a request under this subdivision is made, no formal statement may be taken until a reasonable opportunity is provided for the officer to obtain the presence of the attorney or Union representative. (Note: The "Notice of Formal Statement" form contains the notification of the right to have an attorney or Union representative present).
7. Before an officer's formal statement is taken, the officer shall be advised in writing or on the record that admissions made in the course of the formal statement may be used as evidence of misconduct or as a basis for discipline. (Note: Departmental forms relative to the taking of a formal statement contain this advisory).

E. The appropriate procedure for taking a formal statement, in chronological order, is as follows:
   1. A time and place for taking the statement is established. This is formalized by using the "Notice of Formal Statement" Form (IA-07). This form includes a summary of allegations and a notice of the right to an attorney or Union representative.

2. An attempt is made to obtain a voluntary interview. Prior to the interview, the officer being investigated must receive the Tennessen Advisory for Voluntary Interviews Form (IA-08).
3. If the officer being investigated refuses to provide a voluntary interview and the decision to not seek criminal prosecution of the matter has been made by the Chief of Police, the officer must then receive and "Order to Cooperate With Investigation - Employee Under Investigation" notice Form (IA-09). This must then be followed by the "Garrity / Tennessen Advisory - Compelled Statement Notice" - (Form IA-10).

   Note: The decision to proceed with a compelled statement must be specifically
   authorized by the Chief of Police.

4. Paragraphs 1, 2 and 3 do not apply if the statement is being taken as a result of a criminal investigation. In such a case, the officer being investigated is, if appropriate to do so, advised of his/her Miranda Warning.
5. In the event that a formal statement, whose original focus was non-criminal in nature, should suddenly indicate criminal behavior the investigator must re-focus the statement on the non-criminal behavior.

   Following the completion of a thorough statement regarding the non-criminal behavior, a new investigator will be assigned to investigate the criminal behavior.

2-10-24 UNCOOPERATIVE EMPLOYEE WITNESS

A. Employees of the Buffalo Police Department who are potential witnesses to misconduct but refuse to cooperate fully with the investigation shall be given an order to cooperate by using the Order to Cooperate With Investigation / Garrity Warning/Employee Witness Form (IA-11).

B. If, during the course of the employee-witness interview, it is discovered that the employee participated in the misconduct, the investigator must revert to the previously addressed sections of this Policy. The focus would shift from the employee being a witness to being a participant, thus requiring that the appropriate procedures be followed.

2-10-25 INTERNAL AFFAIRS PROCEDURES - GENERAL

2-10-26 WORKPLACE SEARCHES - ADMINISTRATIVE (NON-CRIMINAL)

If an investigation of an employee is clearly focused as a non-criminal investigation, all workplace searches must be conducted with a search warrant or lawful warrant exemption. Written authorization must be provided by the employee to allow for workplace searches.

2-10-27 WORKPLACE SEARCHES - CRIMINAL

If an investigation of an employee is clearly focused as a criminal investigation, all workplace searches must be conducted with a search warrant or lawful warrant exemption.

2-10-28 NON-WORKPLACE SEARCHES

All non-workplace searches must be conducted with a search warrant or lawful warrant exemption.

2-10-29 POLYGRAPH - VOICE STRESS EXAMINATION

A. The department shall not directly or indirectly solicit or require a polygraph, voice stress analysis, or any test purporting to test the honesty of any employee (M.S.S. 181.75, Sub. 1).
B. If an employee requests a polygraph test the department or agent administering the test shall inform the employee that taking the test is voluntary. (M.S.S. 181.75, Subd. 1). The employee must provide a signed written authorization, authorizing or consenting to a polygraph test.
C. The department shall not disclose that an employee has taken a polygraph or any test purporting to test honesty or the results of that test except to the individual tested. Only the tested employee may authorize the test results to be given to any other person. (M.S.S. 181.76).

2-10-30 DISCLOSURE OF FINANCIAL RECORDS

Officers are not required to produce or disclose their personal financial records except pursuant to a valid search warrant or subpoena.

2-10-31 RELEASE OF PHOTOGRAPHS

A. The department cannot publicly release photographs of any officer without written permission of the officer (e.g. for display on television or in the newspaper).
B. The department can display a photograph of an officer to prospective witnesses as part of an agency or unit investigation (e.g. photo lineups, etc.).

2-10-32 DRUG AND ALCOHOL TESTING IN THE WORKPLACE

All drug and alcohol testing in the workplace shall be conducted in accordance with City of Buffalo Personnel Policy.

2-10-33 PURGING RECORDS

Officers may request the Chief of Police to remove a disciplinary disposition from officer personnel file.

A. **Request to Purge** - Send a written request to the Chief of Police, stating reasons to justify removal of a specific record.
B. **Authority** - The Chief of Police shall determine whether to remove an internal affairs record or let it stay on file.
C. **Added Requests** - If denied, officers may submit another request to remove a specified item six (6) months following the rejection date.
D. Internal Affairs Records - Internal Affairs records will not be purged.

Effective: 01/25/2019	Reevaluation Date: FEBRUARY 2024

2-11 JOB DESCRIPTIONS

2-11-1 PURPOSE

The purpose of this policy is to outline job duties and responsibilities as they relate to various members of the Buffalo Police Department.

2-11-2 POLICY

The Buffalo Police Department establishes job duties and responsibilities in order to facilitate an accurate understanding of performance expectations by its employees.

2-11-3 PROCEDURES

2-11-4 JOB DESCRIPTIONS, DUTIES, AND RESPONSIBILITIES

2-11-5 CHIEF OF POLICE – DUTIES AND RESPONSIBILITIES

A. JOB SUMMARY

Under broad direction, is responsible for the effective management and supervision of all functions of the Police Department to achieve efficient and effective protection of lives and property. Ensure alignment of Police operations with all legal requirements and City Council Ends and Outcomes.

B. ESSENTIAL JOB FUNCTIONS

1. Oversee the formulation of department policies, goals and objectives. Stay abreast of City needs. Encourage input/ideas from all personnel. Work with the City Administrator, Assistant City Administrator and other staff to determine goals and priorities. Direct the development of department procedures and regulations to most effectively accomplish objectives.
2. Oversee, direct and maintain effective Police operations. Work through subordinate staff to provide leadership, assist with problems, and review assignments, programs and operations to identify potential improvements.
3. Develop and maintain an effective, well trained staff. Work with subordinate employees to plan staffing needs and participate in the selection of personnel.

Direct proper training and the supervision of all employees. Oversee effective internal communications and the maintenance of discipline. Provide recommendations to the City Administrator on hiring and firing decisions.

4. Oversee the effective utilization of equipment and facilities. Direct the development of recommendations to meet the future need of equipment and facilities. Oversee the proper conservation and maintenance as well as efficient use of current equipment and facilities.
5. Direct and oversee division public information activities. Develop positive relations with community groups through active involvement and proactive communication with community stakeholders.
6. Demonstrate and promote cooperative working relationships with other City Departments and personnel.
7. Actively seek opportunities with other agencies and organizations to jointly provide law enforcement services more effectively and/or efficiently.
8. Cooperate with surrounding communities and state and federal agencies and participate on various intergovernmental task forces or committees as appropriate.
9. Perform required administrative functions. Includes overseeing department budget recommendations, managing expenditures within approved limits, preparing required status reports, and correspondence needs.
10. Perform other duties as required. Includes keeping the City Administrator informed of progress and problems on a regular basis, coordinating Police functions with other City operations, recommending new or revised ordinances as appropriate, providing input to the labor negotiations process and the development of Emergency Preparedness plans as appropriate. Has the responsibility and authority, including but not limited to authorizing employee transfers, suspensions, demotions, promotions, discharges, assignments, rewards, discipline, direction and grievance processing.
11. Review performance of subordinates as a basis for providing ongoing feedback and complete employee performance evaluations in conformity with City guidelines and timelines.
12. Perform other duties and responsibilities as apparent or assigned.

C. KNOWLEDGE, SKILLS & ABILITIES

1. Possess a working knowledge in Police services, including the areas of patrol, investigations, traffic enforcement, and supervisory and administrative responsibilities.
2. Commitment to the Community Policing Philosophy
3. Ability to take initiative and develop ideas in solving problems presented.

4. Possess unquestioned honesty and integrity and a high sense of personal and professional ethics.
5. Project a leadership style characterized by collaboration, innovation and involvement of front-line employees in the decision-making process.
6. Positive, resourceful manager who identifies and develop division talent and who supports the efforts and recognizes the achievements of division personnel.
7. Ability to support department recommendations within a context of objective analytical data and justifiable cost.
8. Ability to express oneself, clearly and concisely, both orally and in writing.
9. Good public speaker capable of projecting a positive image of the Police Department and the City.
10. Ability to develop and maintain effective working relationships with a wide variety of City personnel and the public.
11. Familiar with concepts of organizational change and quality principles.

D. QUALIFICATIONS

Minimum Qualifications:

1. Police Officer license in the State of Minnesota or ability to obtain.
2. Bachelor's degree in law enforcement, public administration or related field.
3. Minimum of ten years progressively responsible experience in law enforcement
4. Minimum five years in a supervisory position (Sergeant or above) for a municipal or County law enforcement agency.
5. Strong commitment to the Community-Oriented Policing philosophy.
6. Knowledge of Microsoft Office Products
7. Possession of a valid Minnesota driver's license.

Desirable Qualifications:

1. Possession of a Masters Degree
2. Command experience as a Police Captain or above
3. Demonstrated knowledge and experience with law enforcement technology systems.

2-11-6 POLICE CAPTAIN – DUTIES AND RESPONSIBILITIES

A. PURPOSE

The fundamental reason for the existence of this classification is to organize and manage the operational activities and personnel in assigned sections of the Police Department, and to provide responsible technical and administrative staff assistance to the Chief of Police.

B. DISTINGUISHING CHARACTERISTICS

This is a sworn classification within the Police Department with full administrative responsibility and accountability for the overall operations and activities of the assigned section, shift or major functional unit. Within the general direction of departmental objectives, and policy and budget guidelines, the Police Captain exercises considerable independent judgment in directing and managing the daily operations of police services provided by the Police Department.

C. SUPERVISION RECEIVED AND EXERCISED

General direction is provided by a Police Chief. Responsibilities include direct supervision of sworn Sergeants and Police Officers, and may also include the supervision of inter-agency task forces, professional, technical, and clerical personnel.

D. EXAMPLES OF DUTIES

The following duties are considered essential for this classification:

1. Plan, direct, and manage the activities of patrol assigned to various sectors and reporting areas; plan, direct, manage and coordinate the activities of sworn and civilian personnel in protecting life and property and in enforcing laws and municipal ordinances; personally conduct and direct response to critical incidents and major field activities;
2. Monitor, review, and inspect the activities of assigned work unit to assure maximum utilization of resources and conformance with established regulations, policies, and procedures; advise assigned staff of changes in department policies and procedures; prepare, correct, and manage the preparation and maintenance of reports, records, and logs; review current and devise new service delivery methods to assure efficient use of resources;
3. Supervise, train, mentor, and evaluate assigned staff; oversee the development of training programs in the various phases of police activities; work with employees to correct deficiencies; direct, review, and conduct investigations of complaints against personnel; implement disciplinary procedures ;
4. Assist with the preparation and monitoring of budgets; research and coordinate procurement of department equipment; research technological advancements for possible purchase and implementation;
5. Promote and implement the philosophy and practices of Neighborhood Oriented Policing;
6. Assist in developing the department's strategic plan, goals, and objectives; based on such policies, formulate rules, work procedures and performance measurements, and see that they are carried out;
7. Confer with citizens and City, State, and Federal officials on law enforcement concerns and assist in the identification of service needs and priorities;

coordinate operational activities with other sections and Divisions of the Department, other City Departments and outside agencies;

8. Represent the Department to community groups and citizens; respond to difficult community concerns an requests for information; prepare news conferences, press releases, and respond to requests for information from the press;
9. Provide oversight for task forces, organized crime and gang related activities, criminal intelligence, and career criminal apprehension as assigned;
10. Direct, manage, and coordinate the training and response of tactical units as assigned;
11. Respond to subpoenas, interrogatories, assist with preparation and sign declarations in response to State and Federal litigation;
12. Prepare and present a variety of reports to the Police Chief, and/or City Council, as directed;
13. Perform related duties as assigned.
14. This position serves in on-call capacity 7 days, 24 hours a day.

E. QUALIFICATIONS

1. Knowledge of: Principles, practices, and techniques of police administration, organization, and operation; technical and administrative phases of crime prevention and law enforcement, including investigation and identification, patrol, traffic control, juvenile delinquency control, record keeping and care and custody of persons and property; local government organization and administration; personnel management and administration methods, techniques and contemporary issues; criminal justice system; laws, ordinances and regulations affecting the work of Department; principles and practices of organization and personnel management; current police practices, techniques and methods; pertinent Federal, State, and local laws and ordinances, particularly with reference to apprehension, arrest, search and seizure, traffic and evidence; departmental rules, regulations, policies and procedures; functions and objectives of Federal, State, and other local law enforcement agencies; budgeting processes and systems; current technological police trends, equipment, and software; organizational development and change processes; management of group dynamics and meeting facilitation techniques and methods.
2. Ability to: Communicate clearly and concisely, orally and in writing; effectively plan, direct, manage, and coordinate the work of an assigned section, shift or major functional unit of the Police Department; recommend and implement

improvements in departmental operation and in the rules, regulations, procedures and policies governing the Department; provide clear direction to others; properly interpret and make decisions in accordance with laws, regulations and policies; exercise sound judgment in emergency situations; supervise, train, mentor, and evaluate assigned staff; effectively plan, direct and coordinate the work of a patrol shift, investigative operation, and/or related support services; adapt to changing social trends, facilitate change and be future oriented; learn to manage a budget; use and care for firearms and other associated equipment.

3. Experience and Education: A combination of experience and education that could likely provide the required knowledge and abilities would be qualifying. A typical way to obtain the knowledge and abilities would be: Experience - Three years experience in a position comparable to that of a Police Sergeant with the Buffalo Police Department; Education - Equivalent to a bachelor's degree from an accredited college or university. Completion of a Master's degree from an accredited college or university with a major course study in public or business administration, police science, criminal justice administration, or a related field is highly desirable; Specialized Training – Advanced Training in Police Supervision
4. Licenses and Certificates: Must be a certified Peace Officer in the State of Minnesota, must have a valid Minnesota driver's license;

F. RESPONSIBILITY FOR OTHER DUTIES

In addition to these responsibilities, the Police Captain is responsible for, and shall perform all other duties and responsibilities as recognized in the Personnel Policy under the job description for Police Officer.

2-11-7 POLICE OFFICER – DUTIES AND RESPONSIBILITIES

A. Position and Purpose:

To serve and protect the citizens of Buffalo.

B. Organizational Relationships:

This position reports directly to the Sergeant, the Captain, or the Chief of Police if so assigned. In the absence of the Sergeant, Captain, or Chief of Police, this position shall report to the designated representative.

C. Job Duties and Responsibilities:

The objective of this position is to protect life and property in the community through the enforcement of the laws and ordinances. A Police Officer maintains current working knowledge of professional law enforcement methods, weapons, and applicable laws and regulations, and provides some training to other officers. Assigned areas of the City are

patrolled and checked and response given to situations observed and assigned. The Officer confronts developing problem situations and apprehends suspects. Physical evidence and persons are processed in accordance with standard procedures.

A Police Officer responds to emergency situations such as accidents, fires, natural disasters and acts of violence and aids the victims and those working to end the emergency. In carrying out the duties of the job, an Officer must communicate with the public to resolve conflicts and provide law enforcement information.

Every Officer shall at all times of the day or night, within the boundaries of the City, preserve the city peace and protect the rights of persons and property.

D. Personnel Qualifications:

Social and average intelligence, leadership ability, tact, good character, medical and physical fitness, ability to treat the public with courtesy, and when the occasion demands, with firmness; ability to secure the confidence of the public in the fairness and effectiveness of performance of police functions; fundamental knowledge of police problems and procedures; familiarity with current developments in the field of law enforcement; ability to maintain cooperative relations with other city departments; ability to issue intelligible directions and orders and secure their execution; ability to exercise good judgment in matters pertaining to his/her specific duties.

E. Principle Accountabilities:

1. The Patrol Officer shall be responsible to the Chief of Police or his/her designate and be subject to their commands at any time.
2. Every Patrol Officer shall confine his/her patrol within the limits of his/her assignment, except in case of fire, arrest of prisoner, or other necessary absence of duty, until the Officer is properly relieved. If obliged to leave his/her assignment, the Officer shall notify, if practical, the station when he/she leaves and when he/she returns. The Officer shall give assistance in the protection of persons and property near his/her assignment if called upon in any case requiring immediate attention, but the Officer shall return as soon possible to his/her assignment.
3. The Officer shall enforce all provisions of the traffic law and ordinances as shall be consistent with department policy.
4. The Officer shall examine, as time will allow, all doors, gates, and windows of stores and public buildings in his/her area of assignment and shall notify the responsible parties of any unsecured buildings or businesses.
5. The Officer shall be diligent in observing the conditions of the public streets and sidewalks to see that they are safe and convenient for travel.
6. The Officer shall obey the orders of his/her superior officers, shall treat his/her superiors with respect and shall be courteous and considerate to them as well as to his/her fellow workers. The officer shall refrain from any public communications to their discredit and shall inform his/her superior officer of any neglect or disobedience of department orders or regulations. The Officer shall

observe the laws and ordinances of the city and state and shall render his/her services to the City with courage, discretion and fidelity.

7. All Police Officers shall maintain excellent physical and mental health.
8. The Officer shall perform other duties and responsibilities as recognized in the Personnel Policy under job description.

F. ESSENTIAL JOB FUNCTIONS

1. Effectively patrol assigned areas within the City in a vehicle or on foot.
    - Checks security of business establishments and residences
    - Checks suspicious persons or vehicles.
    - Checks public gathering places, establishments that serve alcoholic beverages, and other licensed establishments.
    - Gathers and disseminates information on persons involved in criminal activity, serving warrants and/or subpoenas as directed.
2. Manages traffic within the City to ensure the orderly flow of pedestrian and vehicular traffic.
    - Handles traffic congestion problems and directs traffic as needed to relieve congestion.
    - May assist with school safety patrol traffic and related matters.
    - Enforces all traffic laws and parking ordinances.
    - Assists motorists and reports stalled or abandoned vehicles.
3. Responds to all distress emergency calls and other requests for law enforcement services.
    - Maintains order at accident or crime scenes.
    - Administers first aid where appropriate.
    - Arranges transportation to the hospital as needed.
    - Responds to fire calls.
    - Maintains order by intervening in public and private disputes.
    - Calls for such assistance as circumstances require.
4. Investigates traffic accidents within the City.
    - Prepares reports on traffic accidents as directed.
    - Gathers evidence from drivers, witnesses, and vehicle inspection.
    - Makes reports and recommendations to City, County, or State officials concerning hazardous or unsafe conditions.
5. Investigates complaints involving violation of City Ordinances, State, and Federal Laws.
    - Interview witnesses, victims, and suspects as appropriate.
    - Collects and preserves evidence and secure crime scenes.
    - Obtains signed statements when necessary to support any legal action.
    - Prepares reports when appropriate or as assigned.
    - Presents evidence and testimony in court when required.

6. Apprehends perpetrators and/or suspects involved in criminal activity in accordance with departmental polices and procedures.
    - Performs initial investigation work including identification.
    - Makes legal searches of persons, vehicles, and premises.
    - Inventories and processes evidence and property.
    - Safely transports prisoners.
7. Prepares reports covering all aspects of law enforcement activities.
    - Properly completes all required reports pertaining to investigation, arrests, and public service calls in accordance with department policy.
    - Maintains all data privacy regulations within the department.
    - Makes City license inspections and reports as requested.
    - Prepares all required Animal Control reports.
8. Maintains effective community relations within the City and Law Enforcement Community.
    - Responds promptly to citizen questions and requests for assistance.
    - Prepares and makes presentations concerning safety and crime prevention to students and community organizations.
    - Participates in public relations activities and educations programs as directed.
9. Assists in the operation of the Animal Control Program as directed.
    - Enforces ordinances and laws.
    - Assists in the apprehension of animals.
    - Transports animals to the pound facility.
10. Ensures proper maintenance and safe operation of all vehicles and equipment.
    - Operates vehicles within department guidelines.
    - Reports all damage to vehicles and equipment.
    - Reports all loss of equipment or property.
11. Maintains and develops individual Law Enforcement Skills.
    - Participates in training programs to maintain licensing requirements.
    - Keeps informed of changes in City Ordinances and State and Federal Laws.
    - Maintains proficiency with authorized firearms and other related equipment.
    - Maintains operating knowledge of all department equipment, policies and procedures.
    - Maintains physical fitness and conditioning.
12. Performs other duties and responsibilities as needed or assigned.
    - When assigned, performs administrative duties including, but not limited to, dispatching and responding to telephone calls.
    - Reports matters requiring attention of other City departments to appropriate staff members or other government officials.
    - Responsible for performing all other duties assigned.

G. EXTENT OF SUPERVISION PROVIDED AND WORKING CONDITIONS

A police patrol officer works under the direct supervision of the Police Sergeant, the Police Captain, or the Chief of Police, and will be assigned to: changing shifts, night, weekend and holiday work; and varying assignments, including patrol on foot and by vehicle.

H. KNOWLEDGE AND SKILL REQUIREMENT

1. United States Citizen, minimum of 18 Years of Age.
2. Licensed or eligible to be licensed by the Minnesota Board of Peace Officer Standards and
   Training (POST).
3. Valid Minnesota drivers license and satisfactory driving record.
4. Thorough knowledge of pertinent State and Federal Laws, City Ordinances, traffic laws and regulations related to law enforcement work.
5. Thorough knowledge of approved practices, procedures and techniques required in performing daily law enforcement duties.
6. Thorough knowledge of rules of evidence, arrest, search and seizure, to ensure admission in court as evidence or as legally accepted procedure.
7. Thorough knowledge of the functions and jurisdiction of the various County, State, and Federal law enforcement agencies.
8. Proficiency in the use of firearms in a safe and skillful manner from a variety of body positions under stressful conditions and the ability to use or operate other types of police equipment available for department use.
9. Knowledge of first aid and ability to apply first aid promptly in emergency situations.
10. Ability to hear, read, understand, and carry out written instructions.
11. Ability to communicate effectively in both written and verbal form and to prepare effective and complete reports using appropriate English grammar and spelling, and to perform mathematical computations as needed.
12. Ability to subdue and arrest resisting suspects using appropriate tactics and approved weapons.
13. Ability to competently perform strenuous physical activities to rescue and/or to protect self and others.
14. Ability to exercise independent judgment in determining reasonable suspicion for further investigation – probable cause for arrest, and proper use of force.
15. Ability to quickly process information and make decisions when situations demand that an immediate decision be made.

16. Ability to safely operate a law enforcement vehicle during both day and night, in emergency situations involving speeds in excess of posted limits, in congested traffic and in unsafe road conditions such as fog, smoke, rain, ice, and snow.
17. Ability to carry out investigation functions such as observing, remembering and recalling events; interviewing witnesses and obtaining statements.
18. Ability to perform duties in a professional, courteous manner and to maintain a professional demeanor when confronted with verbal hostility and abuse.
19. Ability to exercise independent judgment effectively in performing job duties.

2-11-8 POLICE SERGEANT – DUTIES AND RESPONSIBILITIES

A. Position and Purpose:

To provide first line supervision of Police Officers, police operations, and other duties as assigned.

B. Organizational Relationships:

This position reports directly to the Chief of Police, but is also accountable to the Police Captain.

C. Job Duties and Responsibilities:

This position is responsible for all police officer duties as outlined in section 2-11-7 of this policy.

In addition to these responsibilities, the Police Sergeant is responsible for general supervision of police officers and police operations, and shall perform other duties and responsibilities as recognized in the Personnel Policy under job description.

D. Personnel Qualifications

In addition to the general requirements for police officer, the candidate for the position of Police Sergeant must have a minimum of three (3) years as a full-time police officer with the City of Buffalo Police Department.

2-11-9 COMMUNITY SERVICE OFFICER – DUTIES AND RESPONSIBILITIES

A. FUNCTION

Performs police related services work involving crime prevention coordination, records, communication and other related support functions as assigned. This is a non-sworn, uniformed position.

B. SUPERVISION RECEIVED

Work is performed under the general supervision of the Chief of Police or designee.

C. SUPERVISION EXERCISED

None

D. ESSENTIAL FUNCTIONS

1. Investigate and dispose of non-crime incidents such as animal control, parking, junk vehicle cases, health and hazardous situations that are covered by city ordinance/statue statute.
2. Assist sworn police staff with traffic direction, crowd control, recovery, processing, packaging and storing of found abandoned property; crime scene security as assigned; vehicle lockouts; and other service calls which do not require sworn personnel.
3. Handle activities, which inform and educate the public in areas such as bicycle safety, crime prevention, tours and presentations at the Police Department; and any other public contact in this capacity as assigned.
4. Assist police personnel with work orders on police vehicles, driving police vehicles to servicing destination and other related duties as assigned.
5. Perform delivery duties, including packages, evidence to lab, council packets, documents to courts and attorneys, and other deliveries as assigned.
6. Assist with minor traffic matters, including assisting motorists, and monitoring traffic law compliance in assigned areas.
7. Perform support tasks including filing, data entry, data retrieval, telephone answering and other duties as assigned.

E. NON-ESSENTIAL FUNCTIONS

Perform related work as assigned.

F. WORK CONTACTS

Considerable contact with the general public, other law enforcement agencies, and the criminal justice system. Contacts require tact, courtesy, and good judgment.

G. REQUIRED KNOWLEDGE, SKILLS & ABILITIES

Some knowledge of modern police practices and methods; of modern office procedures, methods and equipment, and; of geography of the city. Skill in the use of modern office equipment

including computers and related software, vehicles, and other such regular and special police equipment as may be assigned. The ability to perform the following work activities with or without reasonable accommodation.

1. Learn and apply police principles, practices and procedures consistently and fairly.
2. Deal tactfully and courteously with the public.
3. Communicate effectively, orally and in writing.
4. Prepare reports and maintain required records and reports.
5. Establish and maintain effective working relationships.
6. Meet such physical requirements as may be established by competent authority.
7. Withstand adverse weather conditions.
8. Obtain and maintain CPR and first aid certification.
9. Perform specialized assignments and as directed.
10. Maintain regular attendance.

H. ACCEPTABLE EXPERIENCE AND TRAINING

High school diploma or equivalent supplemented by specialized training in law enforcement or related field; or any equivalent combination of experience and training which provides the required knowledge, skills and abilities to perform the work.

I. DESIRABLE EXPERIENCE AND TRAINING

Previous experience in law enforcement, Associate Degree in law enforcement, and current certification in CPR and First Aid is highly desirable.

J. SPECIAL REQUIREMENTS

1. Must possess a valid and unrestricted Minnesota Driver's License.
2. Must be able to pass a thorough background investigation and physical examination. .

K. JOB DUTIES

Job duties for this position may include but are not limited to:

1. Animal Control
    a. Removal and Disposition of animals per complaints.
    b. Enforces city ordinances as assigned.
2. Traffic Control
    a. School Patrol AM/PM
    b. Bus Traffic PM
    c. Provides assist to officer at traffic matters and tows
    d. Assist motorist with disabled cars and directions for the city
    e. Traffic studies
    f. Funeral escorts
    g. Lockouts of vehicles
3. Abandon / Found Property
    a. Removal of non-crime property
    b. Assists officers with crime or possible crime property
4. Code Enforcement

    Assist City Administration; enforce city ordinances regarding junk, health and hazardous situations.
5. Medicals
    a. Respond to assist in medical situations
    b. Able to perform CPR and defibrillator activities.
6. Vehicle Repairs

    Assist in transportation of vehicles to and from repair locations.
7. Delivery of Documents or Evidence
    a. Council packets
    b. Documents to Court House

c. Evidence to BCA

8. House Checks

Perform House Checks as assigned.

9. Light Office Duties

a. Filing

b. Data entry and retrieval

c. Telephone answering

d. Other office duties assigned

8. Fix-it Tickets

Sign City of Buffalo tickets

9. Crime Scene Security

Assist officer with security of scene

10. Parking Enforcement

Enforcement of Parking Laws as assigned.

11. Tours of Police Department-Special Events

a. Presenting tours to public as requested

b. Assist department with special events

12. Other Assigned Duties

Per request of the Chief of Police or designee.

2-11-10 RESERVE OFFICER DUTIES AND RESPONSIBILITIES

A. FUNCTION

Performs police related services work as assigned. This is a non-sworn, volunteer, uniformed position.

B. SUPERVISION RECEIVED

Work is performed under the general supervision of the Chief of Police or designee.

C. SUPERVISION EXERCISED

None

D. ESSENTIAL FUNCTIONS

Provide support for department functions at Community Events and Civil Disasters.

E. NON-ESSENTIAL FUNCTIONS

Perform related work as assigned.

F. WORK CONTACTS

Considerable contact with the general public, other law enforcement agencies, and the criminal justice system. Contacts require tact, courtesy, and good judgment.

G. REQUIRED KNOWLEDGE, SKILLS & ABILITIES

No prior experience is required for this position.

Reserve Officers will require the ability to perform the following work activities with or without reasonable accommodation:

1. Deal tactfully and courteously with the public.
2. Communicate effectively, orally and in writing.
3. Establish and maintain effective working relationships.
4. Meet such physical requirements as may be established by competent authority.
5. Withstand adverse weather conditions.
6. Obtain and maintain CPR and first aid certification.
7. Perform specialized assignments and as directed.
8. Maintain regular attendance.

H. ACCEPTABLE EXPERIENCE AND TRAINING

High school diploma or equivalent supplemented by specialized training in law enforcement or related field; or any equivalent combination of experience and training which provides the required knowledge, skills and abilities to perform the work.

I. DESIRABLE EXPERIENCE AND TRAINING

Previous experience in law enforcement, Associate Degree in law enforcement, and current certification in CPR and First Aid is highly desirable.

J. SPECIAL REQUIREMENTS

1. Must possess a valid and unrestricted Minnesota Driver's License.
2. Must be able to pass a thorough background investigation.

K. JOB DUTIES

Job duties for this position may include but are not limited to:

1. Animal Control
2. Traffic Control
3. Abandon / Found Property
4. Medicals
5. Vehicle Repairs
6. Delivery of Documents or Evidence
7. Crime Scene Security
8. Parking Enforcement
9. Tours of Police Department-Special Events
    a. Presenting tours to public as requested
    b. Assist department with special events
10. Other Assigned Duties

    Per request of the Chief of Police or designee.

2-11-11 ADMINISTRATION & RECORDS MANAGEMENT ASSOCIATE

A. POSITION PURPOSE AND OBJECTIVES

The purpose of the Administration & Records Management Associate is to provide clerical and secretarial support to the Chief of Police, and to the police department in general. The Administration & Records Management Associate will assist with general administrative operation of the police department as directed by the Chief of Police. The Administration & Records Management Associate is responsible for handling confidential matters and ensuring functional operation of clerical responsibilities related to the administrative office of the police department as assigned.

The Administration & Records Management Associate is accountable for making effective office management decisions under the direct supervision of the Chief of Police, and also includes responsibility for planning, coordinating and implementing short and long-term office projects as approved on a regular or irregular basis.

B. ESSENTIAL JOB FUNCTIONS

1. Performing assigned tasks and handling a wide variety of confidential matters and secretarial duties for the Chief of Police.
2. Reporting to the Chief of Police as part of the administration and management of records and information systems related to the operation of the police department.
3. Maintaining personal secretarial skills and staying abreast of developments/changes affecting the management and operation of the police department office, including technology developments related to the office environment.
4. Handling citizen complaints and routing those complaints to the appropriate individual as necessary.
5. Handling phone inquiries from civilian and law enforcement individuals.
6. Responding to emergencies when off-duty to assist with high-priority calls in which office staff assistance is required.
7. Working cooperatively with all other individuals assigned to the clerical/records division of the police department to ensure completion of assigned tasks and overall functional operation.
8. Coordinating and assigning work to volunteer workers as necessary and when available.
9. Developing and updating forms needed by department officers for efficient and accurate documentation of data and compliance with state and federal laws.
10. Transcribing officer's reports and making required copies of reports or other required information for distribution to prosecutors and other agencies.
11. Maintaining department computer records of all calls for service and arrests, and filing transcribed reports as well as citations, warnings, and other hand-written documents.

12. Performing computer entries of data required by state and federal legislation for transmittal to the Federal Bureau of Investigation (FBI) and Minnesota Bureau of Criminal Apprehension (BCA).
13. Providing for the security of all department records and assuring that the office arrangement and record-handling procedures do not allow citizens to inadvertently view and/or have access to non-public data.
14. Being responsible for the retention and disposal of department records in accordance with state historical guidelines.
15. Assisting with preparing both capital improvement and line item budget for the office, and being responsible for efficiently and effectively managing within the budget.
16. Developing long and short-term goals for office projects.
17. Being able to react to change productively and handle other tasks as assigned.
18. Assuming Terminal Agency Coordinator (TAC) duties as specified by the BCA.

The above list is not all-inclusive. Due to multiple employees assigned in this area, duties will be distributed individually and may not be required of each employee. However, each employee is expected to develop a working knowledge of all aspects of the duties required for this position.

C. KNOWLEDGE, SKILLS AND ABILITIES REQUIRED

1. Knowledge of the critical importance of interpersonal relationships, and the ability to use this knowledge to interact appropriately with superiors, subordinates and citizens.
2. Ability to maintain composure during stressful situations and to help calm others, especially when dealing with individuals who become irate and/or exhibit abnormal behavior.
3. Office management skills including supervising operations, planning, goal setting, and budgeting.
4. Knowledge of the law enforcement profession, and the ability to conform to state and federal mandates regarding the data collected and maintained by law enforcement agencies.
5. Excellent oral and written communication skills.

Excellent up-to-date secretarial skills including:

1. Exceptional spelling and grammar skills
2. Current and accurate transcription skills
3. Advanced knowledge of Word Processing Software
4. Familiarity with overall computer operations

D. SUPERVISORY RESPONSIBILITY

The Administration & Records Management Assistant is not directly responsible for the supervision of any other personnel. The Administration & Records Management Associate is responsible for supervising systems or areas of responsibility as assigned by

the Chief of Police, and is responsible for providing feedback to the Chief of Police regarding administration and records areas that are in need of improvement.

E. WORKING CONDITIONS
    1. The duties of this position may include extended time periods of transcription and data entry, with almost all work time spent in the sitting position.
    2. Periodically there is a need to work nights, weekends, or holidays when officers are involved in major cases or have taken violators into custody.
    3. Filing responsibilities require some reaching and lifting.
    4. All duties are performed in an environment involving firearms (carried by officers and those confiscated from and/or released to individuals within the office).
    5. Some citizens calling or stopping at the office exhibit abnormal behavior requiring caution and good communication skills in dealing with them.

F. MINIMAL QUALIFICATIONS
    1. Job applicants must be high school graduates (diploma or GED)
    2. Have either formal clerical training and a minimum of two years of office experience, or at least three years office experience. Previous clerical training and/or experience must include Word Processing, and applicants must have excellent spelling and punctuation skills.
    3. Minimum typing speed of 50 WPM is required.
    4. Applicants must demonstrate that they have the ability to accept office management responsibilities
    5. Deal professionally and fairly with all citizens while complying with City and Department policies and other rules established by outside regulatory agencies.
    6. It is imperative that all confidential matters be handled appropriately.

G. SUCCESS FACTORS

    Exceptional “people skills” and the desire to improve operational functionality will help the Administration & Records Management Associate excel in this position. Superior typing, transcription, supervision of assigned duties, and office management skills will also help assure success.

H. EQUAL OPPORTUNITY EMPLOYER

    The City of Buffalo is an equal opportunity employer who, in compliance with the Americans with Disabilities Act, will provide reasonable accommodations to qualified individuals with disabilities and invites current and prospective employees to discuss the need for any such accommodations with their supervisor.

I. ORGANIZATIONAL RELATIONSHIPS

    This position reports directly to the Chief of Police.

2-11-12 INVOLVEMENT IN CRIMINAL OR CIVIL MATTER; MAINTAINING DRIVERS LICENSE.

A. Statement of Purpose: The integrity of the office of the police department demands that we hold our police officers and our other staff, to the highest standards possible

and reasonable. Accordingly, when officers or other police staff members, become involved in criminal or civil matters occurring outside of the scope of their employment, it is in the best interests of the department to become aware of these proceedings in a timely manner, so that a proper course of action and/or response can be formulated by the agency, should any be appropriate. For this reason, the following requirements are established.

B. Requirements: All police department staff, whether full-time, part-time, or volunteer, are required to immediately notify the Chief of Police, any time they become party to any Civil Matter, or any time they become aware that they are being charged in any criminal matter, or any time they reasonably believe they may be a suspect in a criminal matter.

C. Drivers License Required: All police department staff who are in a position, which requires the operation of a motor vehicle owned by the City, are required to maintain a valid drivers license at all times. If any action by the State occurs, which has the impact of causing the license status of any staff member required to maintain a valid drivers license to be invalidated in any way, the staff member is required to report this to the Chief of Police immediately.

D. Definitions:
    1. Immediately: means the next business day following the staff member becoming aware of their involvement in such matters.
    2. Criminal Matter: does not include petty misdemeanor traffic or parking offenses. Any other incident, which involves any other petty misdemeanor or higher level of charge against the staff member, is considered a criminal matter and must be immediately reported.
    3. Civil Matter: includes any matters of civil litigation where the staff member is the plaintiff or defendant in any suit, or any time the staff member becomes a party in any order for protection or order for non-harassment proceeding, whether as the petitioner or the respondent. Should there be any confusion as to what constitutes a civil matter, the employee is expected to inquire with the Chief of Police to determine if the circumstance is required to be reported under this section.

Effective: 01/25/2019	Reevaluation Date: FEBRUARY 2024

2-12 PERSONAL APPEARANCE

2-12-1 PURPOSE

The purpose of this policy is to establish personal appearance guidelines for employees of the Buffalo Police Department.

2-12-2 POLICY

Employees of the Buffalo Police Department shall adhere to the guidelines contained in this policy.

2-12-3 PROCEDURES

2-12-4 PERSONAL APPEARANCE

Employees will always report for duty neat and clean in appearance and follow appearance standards set by this police department.

2-12-5 MALE EMPLOYEES

- **Hair** - Officer hair shall be clean, neat and trimmed, cut to a length not extending below the bottom of the ear on the sides or the shirt collar bottom on the back. Keep officer hair groomed where it does not fall below the eyebrows or bunch out to the front, side or rear of officer headgear.
- **Sideburns** - Officer sideburns cannot extend below the bottom of the earlobe, cannot flare out at the base, and officers must keep them neatly trimmed.
- **Mustaches** - Officers may wear a well-trimmed mustache that does not extend below the officer's upper lip or beyond the corners of the officer's mouth. Keep the remainder of officer's face clean shaven.
- **Earrings –** Male employees may not wear earrings except upon specific approval of the Chief of Police.
- **Goatees & Beards** – Male employees may wear a Vandyke goatee and mustache maintained in a neat, clean manner, presenting a groomed appearance. A goatee must be worn in conjunction with a mustache. Male employees may also wear a full beard. Facial hair shall not exceed one half inch (1/2") in length to prevent

compromising the fit of respiratory equipment. Facial hair worn as a goatee or beard must be trimmed at the neck so as not to touch the uniform shirt collar. All facial hair worn as a goatee or beard will be of uniform length. These guidelines will be enforced by the supervisor on duty. The supervisor on duty may request the officer remove all facial hair if it is determined to not meet the guidelines set forth in this policy. If an officer fails to follow the guidelines set forth in this policy, the supervisor has the authority to revoke the permission to wear facial hair for a period of six months. After six months, the officer involved must request permission from the supervisor on duty before again wearing facial hair.

2-12-6 FEMALE EMPLOYEES

- **Hair** - Officer hair shall be clean, neat and trimmed or worn up to a length that will ensure safety. Officers may wear officer hair over the ear, but not below the earlobe, and it cannot extend below the bottom of the shirt collar on the back.
- **Earrings** - Officers may wear a pair of stud earrings.
- **Fingernails** – Fingernails may not extend more than ¼" beyond the tip of the finger.

2-12-7 APPEARANCE IN UNIFORM

- **Duty Uniform** - Uniformed personnel shall wear proper uniform-of-the-day on duty and when attending ceremonies, funerals, or other functions unless otherwise directed by the Chief of Police. Wear the duty uniform for court appearances if possible.
- **Off Duty Wear** - Do not wear uniforms off duty unless special permission is granted by the Chief of Police.
- **Uniform Cleanliness** - Maintain a neat and clean appearance both on and off duty. Keep clothing and uniform items clean, unwrinkled and in good state of repair; keep leather items clean and polished.

2-12-8 PERSONAL ACCESSORIES

Officers may wear a wristwatch and identification bracelet. Officers may also wear rings, but only one on each hand (consider wedding sets as one ring). Do not wear any dangling jewelry.

2-12-9 EXCEPTIONS TO PERSONAL APPEARANCE STANDARDS

The Chief of Police may temporarily exempt officers from the personal appearance standards of this section if officers are assigned to a unit or a taskforce, where secrecy of officer police identity is necessary.

2-12-10 UNIFORM AND EQUIPMENT REVIEW

The Chief of Police will designate a supervisor and officers to act as a committee for review of proposed changes to uniform or issued/approved equipment. This committee will accept proposals from all staff on an ongoing basis and will submit any proposed changes to the Chief of Police for approval.

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2-13 POLICE RESERVE PROGRAM

2-13-1 PURPOSE

The purpose of this policy is to outline the position of Police Reserve Officer within the Buffalo Police Department and the related function and responsibility. This policy is designed to set forth the conditions for use, authority, and active participation of the reserve unit, within the Buffalo Police Department.

The purpose of the Buffalo Reserve officer shall be to assist the Buffalo Police Department under the order and direction of the Buffalo Police Department Officers in enforcement of law and order during any emergencies or non-emergencies declared by the Officer on duty or the Chief of Police in the City of Buffalo.

2-13-2 POLICY

It shall be the policy of the Buffalo Police Department to utilize Police Reserve Officers to supplement and enhance the department's resources during special events, and/or in the event of an emergency. Through their participation, Police Reserve Officers will assist in carrying out the mission of the Buffalo Police Department. While serving as a Police Reserve Officer, all state laws and regulations governing authority functions and duties will be complied with.

2-13-3 PROCEDURES

2-13-4 PRIMARY FUNCTION

The primary function of the Buffalo Police Reserve Unit shall be to provide and carry out community service tasks, as well as to assist with duties of the department not requiring a sworn Police Officer. The Police Reserve is meant to enhance the police department's resources by providing police assistance during scheduled functions, such as parades, street dances, school functions and celebrations, as well as in times of City emergencies or disasters. In addition, the Police Reserves are to aid the regular police during emergencies in the protection of life and property, the preservation of public peace and order, the prevention of crime, the regulation and control of traffic, and the enforcement of the state laws and

ordinances of the city.

Functions of the Police Reserve Unit are determined by the Reserve Program Coordinator.

2-13-5 SUPERVISION & DIRECTION

2-13-6 GENERAL SUPERVISION

Reserve Officers are subject to supervision by the following individuals, in order of precedence:

A. The Chief of Police or designee;
B. Any department supervisors;
C. The Reserve Program Coordinator as designated by the Chief of Police.
D. Any Full-time Sworn Officer of the Buffalo Police Department.

In the absence of department supervisors or the Reserve Program Coordinator, the Full-time Licensed Officer on duty shall be considered the Reserve Supervisor for the shift, unless the Reserve Coordinator or the Chief of Police indicates otherwise.

2-13-7 DIRECTION OF DUTIES

Regular sworn Officers of the Buffalo Police Department should forward work direction, complaints, or other needs regarding the Reserve Officers, through the appropriate chain of command whenever possible. Reserve Officers shall not be directed to assume any duties that are restricted to those of a licensed peace officer.

Due to the confidential nature of information divulged to members of the Reserves, it shall be understood by all members that any and all information regarding his/her duties as a Reserve member will be held as STRICTLY CONFIDENTIAL and not be discussed in any manner with persons not officially affiliated with the Police Department or the Reserve Unit.

2-13-8 SELECTION CRITERIA

It is the intention of the Buffalo Police Reserve to maintain a compliment of Reserve members who show an interest in serving the community of Buffalo, and who reside with the city of Buffalo or the immediate surroundings area. The number of Reserve Officers and residency requirements will be determined by the Chief of Police.

2-13-9 APPLICANT ELIGIBILITY

Consideration for appointment to the Buffalo Reserves will consist of the following:

A. All applicants must be a U.S. Citizen.
B. All applicants must be 18 years or older, or with approval of the Chief of Police, high

school seniors aged 16 or older, may participate with permission of their parent or guardian.

C. All applicants must have a valid driver's license or identification card.
D. The applicant will be required to sign a release from liability and indemnity agreement from the City of Buffalo.
E. Will be able to attend training meetings and duty assignments minimums.
F. All members will be expected to volunteer for active duty when a request for Reserve help is made. This shall be on a fair share basis so each member contributes an equal amount of active duty time. Members must be willing to occasionally give up their recreation time to respond to active duty call.
G. Membership shall continue during good faith performance of duties. Membership can be discontinued at the discretion of the Chief of Police.

2-13-10 APPLICATION AND PROCESS

All applicants for the Police Reserve Program must submit an employment application and must meet all established criteria for hiring as outlined in the City Personnel Policy, as well as meeting any established Police Department guidelines.

2-13-11 BACKGROUND INVESTIGATION

All applicants for the Police Reserve Program must complete a background investigation packet as submitted and will be subject to a background investigation.

Any criteria which would otherwise disqualify a person from being hired as a full-time peace officer, shall be immediate grounds for discontinuance of consideration for the position of Police Reserve Officer.

No applicant will be appointed having any gross-misdemeanor or felony convictions. A physical and psychological evaluation may be required and is at the expense of the applicant. A written and oral examination may be required.

An unfavorable background investigation will be automatic grounds for discontinuance of consideration for the position of Police Reserve Officer.

2-13-12 SELECTION

The Chief of Police shall have sole and final authority with regard to the appointment of any person to the position of Police Reserve Officer.

2-13-13 TRAINING

Training consists of formal classroom or on the job in-service training. On the job training is the

learning experience of working with regular officers while on duty. Classroom training is scheduled by the Police Reserve Coordinator or the Chief of Police. It includes regular meetings as well as special classes that may be scheduled or offered.

Minimum Training for Reserve Officers will include:

A. First Aid/AED's
B. Found Property
C. Squad Checks
D. Geographic Orientation
E. Public Relations
F. Radio Use
G. Basic Self Defense
H. Traffic Control
I. Community Events
J. Confidentiality of Information

2-13-14 ARREST PROCEDURES

If an offense occurs in the presence of an on-duty Reserve Officer, when not accompanied by a licensed officer, the Reserve Officer shall immediately call for a licensed officer. Whether on-duty or off-duty, Reserve Officers shall only have the same arrest authority as a private citizen. Because of the possible dangers and liabilities associated with arrest situations, Reserve Officers are discouraged from taking any action related to an arrest, without direction and assistance from a licensed Officer. It is preferred that the Reserve Officer remain in an observation role, noting facts and information that may prove helpful at the time an investigation is initiated.

If a Reserve Officer determines it is necessary to make a citizen's arrest, the Reserve Service Officer:

A. Shall advise the person that they are under arrest for the offense that was committed
B. Shall use no more force than absolutely necessary for the safe custody of the subject
C. Shall turn the person arrested over to a licensed officer as soon as possible after the arrest
D. May be required to complete various reports to accompany the licensed officer's report.

If an offense occurs in the presence of an off-duty Reserve Officer they shall call for a licensed officer immediately and observe from a safe distance until the licensed officer arrives. A Reserve officer shall proceed to crime scenes only if requested to report for duty. While off-duty, members may identify themselves as Reserve Officers only when assisting other police officers.

2-13-15 USE OF FORCE

Reserve Officers may only use force against another person as directed by department policy, the Officer in charge, or state law.

2-13-16 RESERVE OFFICER RANKING POSITIONS

The Chief of Police, may from time to time, establish various ranks within the Reserve Unit. These ranks are generally symbolic and do not carry with them any specific responsibility or duties. The conferring of a rank in this unit is done in recognition of seniority, demonstrated commitment to the unit and the organization, demonstration of particular competence related to the duties of the Reserve Officer, and a willingness to assist others in their training, development, and duties. While these ranks do not carry individual duties or responsibilities, lower ranking Reserve Unit members may wish to seek guidance from ranking members as the need arises.

The final decision to promote an individual to any ranked position within the Reserve Program rests with the Chief of Police.

2-13-17 CONDUCT AND DISCIPLINE

2-13-18 CONDUCT

All Reserve Officers are expected to maintain the finest standards of moral and ethical decency. All Reserve Officers are subject to the conditions of conduct as established by the Minnesota P.O.S.T. Board, and Section 14-Conduct, of this manual.

Reserve Officers are subject to all department policies and procedures unless they are specifically exempted, or the policy or procedure clearly has no application to their function.

Reserve Officers either on or off duty, will conduct themselves at all times in such a manner as to not bring discredit upon themselves, the Buffalo Police Department or the law enforcement profession. Failure to do so will subject the Reserve Officer to disciplinary action and/or suspension.

2-13-19 COMPLAINTS

A. All complaints should be referred to the Chief of Police.
B. All complaints will be properly routed and handled pursuant to general order 33-Internal Affairs of this manual.

2-13-20 DISMISSAL

Reserve Officers are volunteer position, and as such, they are considered AT WILL EMPLOYEES. Reserve Officers may be dismissed at the sole discretion of the Chief of Police, without cause.

2-13-21 DEPARTMENT VEHICLE USAGE

2-13-22 GENERAL USAGE

Department Vehicles may be used by Reserve Officers for the following purposes:

A. Transportation to and from any approved Reserve Program Function.
B. Use during any approved Reserve Program Function.
C. As directed by the Reserve Program Coordinator, the Chief of Police or Full-time Officer training or supervising the Reserve Officer.

2-13-23 PROHIBITED FUNCTIONS

Reserve Officers may not use department vehicles for patrol unless prior approval has been obtained by the Reserve Program Coordinator.

Reserve Officers under the age of 18 may not drive or operate a police vehicle without the expressed permission of the Chief of Police.

Reserve Officers may not utilize the emergency lights and/or siren except as herein allowed:

A. For participation in parades or other civic events.
B. For use at emergency scenes to assist with traffic and/or crowd control.
C. As directed by the Reserve Program Coordinator, a sworn officer, or the Chief of Police.

2-13-24 OBEDIENCE TO LAWS

Reserve Officers must obey all laws as they pertain to vehicle operations.

2-13-25 USE OF POLICE BICYCLES

Reserve Officers may use Police Bicycles as outlined in policy. Reserve Officers are allowed to use these bicycles for patrol purposes, provided they are under the immediate supervision of a sworn Officer of the Buffalo Police Department.

2-13-26 EQUIPMENT

Equipment purchased for and/or by the Buffalo Police Reserve Program is the property of the City of Buffalo, and the Buffalo Police Department. As such, it is subject to the provisions of this manual pertaining to the care and maintenance of equipment.

2-13-27 UNIFORMS

All members of the Buffalo Police Reserve Program are expected to wear a suitable uniform. The designated uniform shall be worn at all times of duty status, unless otherwise approved in advance.

A list of approved uniform items is maintained by the Reserve Program Coordinator.

2-13-28 ACTIONS OF RESERVE OFFICERS

Reserve Officers must remember that they are not sworn Police Officers, and they must not purport themselves to be. Any actions to the contrary could result in dismissal from the program, and possible criminal charges.

BUFFALO POLICE DEPARTMENT
GENERAL ORDERS

Effective: 01/25/2019	Reevaluation Date: FEBRUARY 2024

2-14 PROFESSIONAL CONDUCT OF PEACE OFFICERS

2-14-1 PURPOSE

The purpose of this policy is to establish a code of conduct that provides peace officers with principles that will assist them in carrying out their duties to the greatest benefit of the community they serve.

2-14-2 POLICY

It is the policy of the Buffalo Police Department to investigate circumstances that suggest an officer has engaged in unbecoming conduct and impose disciplinary action when appropriate.

2-14-3 PROCEDURES

This policy applies to all officers of this agency engaged in official duties whether within or outside of the territorial jurisdiction of this agency. Unless otherwise noted this policy also applies to off duty conduct. Conduct not mentioned under a specific rule but that violates a general principle is prohibited.

2-14-4 PRINCIPLE ONE

Peace officers shall conduct themselves, whether on or off duty, in accordance with the Constitution of the United States, the Minnesota Constitution, and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

1. **Rationale:** Peace officers conduct their duties pursuant to a grant of limited authority from the community. Therefore, officers must understand the laws defining the scope of their enforcement powers. Peace officers may only act in accordance with the powers granted to them.

2. **Rules:**

   a) Peace officers shall not knowingly exceed their authority in the enforcement of the law.

b) Peace officers shall not knowingly disobey the law or rules of criminal procedure in such areas as interrogation, arrest, detention, searches, seizures, use of informants, and preservation of evidence, except where permitted in the performance of duty under proper authority.

c) Peace officers shall not knowingly restrict the freedom of individuals, whether by arrest or detention, in violation of the Constitutions and laws of the United States and the State of Minnesota.

d) Peace officers, whether on or off duty, shall not knowingly commit any criminal offense under any laws of the United States or any state or local jurisdiction.

e) Peace officers will not, according to MN STAT 626.863, knowingly allow a person who is not a peace officer to make a representation of being a peace officer or perform any act, duty or responsibility reserved by law for a peace officer.

2-14-5 PRINCIPLE TWO

Peace officers shall refrain from any conduct in an official capacity that detracts from the public's faith in the integrity of the criminal justice system.

1. **Rationale:** Community cooperation with the police is a product of its trust that officers will act honestly and with impartiality. The peace officer, as the public's initial contact with the criminal justice system, must act in a manner that instills such trust.
2. **Rules:**

a) Peace officers shall carry out their duties with integrity, fairness and impartiality.

b) Peace officers shall not knowingly make false accusations of any criminal, ordinance, traffic or other law violation. This provision shall not prohibit the use of deception during criminal investigations or interrogations as permitted under law.

c) Peace officers shall truthfully, completely, and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature.

d) Peace officers shall take no action knowing it will violate the constitutional rights of any person.

e) Peace officers must obey lawful orders but a peace officer must refuse to obey any order the officer knows would require the officer to commit an illegal act. If in doubt as to the clarity of an order the officer shall, if feasible, request the issuing officer to clarify the order. An officer refusing to obey an order shall be required to justify his or her actions.

f) Peace officers learning of conduct or observing conduct that is in violation of any law or policy of this agency shall take necessary action and report the incident to

the officer's immediate supervisor who shall forward the information to the Chief of Police. If the officer's immediate supervisor commits the misconduct the officer shall report the incident to the immediate supervisor's supervisor.

2-14-6 PRINCIPLE THREE

Peace officers shall perform their duties and apply the law impartially and without prejudice or discrimination.

1. **Rationale:** Law enforcement effectiveness requires public trust and confidence. Diverse communities must have faith in the fairness and impartiality of their police. Peace officers must refrain from fostering disharmony in their communities based upon diversity and perform their duties without regard to race, color, creed, religion, national origin, gender, marital status, or status with regard to public assistance, disability, sexual orientation or age.

2. Rules:

a) Peace officers shall provide every person in our society with professional, effective and efficient law enforcement services.

b) Peace officers shall not allow their law enforcement decisions to be influenced by race, color, creed, religion, national origin, gender, marital status, or status with regard to public assistance, disability, sexual orientation or age.

2-14-7 PRINCIPLE FOUR

Peace officers shall not, whether on or off duty, exhibit any conduct which discredits themselves or their agency or otherwise impairs their ability or that of other officers or the agency to provide law enforcement services to the community.

1. **Rationale:** A peace officer's ability to perform his or her duties is dependent upon the respect and confidence communities have for the officer and law enforcement officers in general. Peace officers must conduct themselves in a manner consistent with the integrity and trustworthiness expected of them by the public.

2. **Rules:**

a) Peace officers shall not consume alcoholic beverages or chemical substances while on duty except as permitted in the performance of official duties, and under no circumstances while in uniform, except as provided for in **c)**.

b) Peace officers shall not consume alcoholic beverages to the extent the officer would be rendered unfit for the officer's next scheduled shift. A peace officer

shall not report for work with the odor of an alcoholic beverage on the officer's breath.

c) Peace officers shall not use narcotics, hallucinogens, or other controlled substances except when legally prescribed. When medications are prescribed, the officer shall inquire of the prescribing physician whether the medication will impair the officer in the performance of the officer's duties. The officer shall immediately notify the officer's supervisor if a prescribed medication is likely to impair the officer's performance during the officer's next scheduled shift.

d) Peace officers, whether on or off duty, shall not engage in any conduct which the officer knows, or should reasonably know, constitutes sexual harassment as defined under Minnesota law, including but not limited to; making unwelcome sexual advances, requesting sexual favors, engaging in sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature.

e) Peace officers shall not commit any acts which constitute sexual assault or indecent exposure as defined under Minnesota law. Sexual assault does not include a frisk or other search done in accordance with proper police procedures.

f) Peace officers shall not commit any acts which, as defined under Minnesota law, constitute (1) domestic abuse, or (2) the violation of a court order restraining the officer from committing an act of domestic abuse or harassment, having contact with the petitioner, or excluding the peace officer from the petitioner's home or workplace.

g) Peace officers, in the course of performing their duties, shall not engage in any sexual contact or conduct constituting lewd behavior including but not limited to, showering or receiving a massage in the nude, exposing themselves, or making physical contact with the nude or partially nude body of any person, except as pursuant to a written policy of the agency.

h) Peace officers shall avoid regular personal associations with persons who are known to engage in criminal activity where such associations will undermine the public trust and confidence in the officer or agency. This rule does not prohibit those associations that are necessary to the performance of official duties or where such associations are unavoidable because of the officer's personal or family relationships.

2-14-8 PRINCIPLE FIVE

Peace officers shall treat all members of the public courteously and with respect.

1. Rationale: Peace officers are the most visible form of local government. Therefore, peace officers must make a positive impression when interacting with the public and each other.

2. Rules:

a) Peace officers shall exercise reasonable courtesy in their dealings with the public, other officers, superiors and subordinates.

b) No peace officer shall ridicule, mock, deride, taunt, belittle, willfully embarrass, humiliate, or shame any person to do anything reasonably calculated to incite a person to violence.

c) Peace officers shall promptly advise any inquiring citizen of the agency's complaint procedure and shall follow the established agency policy for processing complaints.

2-14-9 PRINCIPLE SIX

Peace officers shall not compromise their integrity nor that of their agency or profession by accepting, giving or soliciting any gratuity which could be reasonably interpreted as capable of influencing their official acts or judgments or by using their status as a peace officer for personal, commercial or political gain.

1. Rationale: For a community to have faith in its peace officers, officers must avoid conduct that does or could cast doubt upon the impartiality of the individual officer or the agency.

2. Rules:

a) Peace officers shall not use their official position, identification cards or badges for: (1) personal or financial gain for themselves or another person; (2) obtaining privileges not otherwise available to them except in the performance of duty; and (3) avoiding consequences of unlawful or prohibited actions.

b) Peace officers shall not lend to another person their identification cards or badges or permit these items to be photographed or reproduced without approval of the chief law enforcement officer.

c) Peace officers shall refuse favors or gratuities which could reasonably be interpreted as capable of influencing official acts or judgments.

d) Unless required for the performance of official duties, peace officers shall not, while on duty, be present at establishments that have the primary purpose of providing sexually oriented adult entertainment. This rule does not prohibit officers from conducting walk-throughs of such establishments as part of their regularly assigned duties.

e) Peace officers shall:

- not authorize the use of their names, photographs or titles in a manner that identifies the officer as an employee of this agency in connection with advertisements for any product, commodity or commercial enterprise;
- maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration while acting in an official capacity;

- not make endorsements of political candidates while on duty or while wearing the agency's official uniform.

This section does not prohibit officers from expressing their views on existing, proposed or pending criminal justice legislation in their official capacity.

2-14-10 PRINCIPLE SEVEN

Peace officers shall not compromise their integrity, nor that of their agency or profession, by taking or attempting to influence actions when a conflict of interest exists.

1. Rationale: For the public to maintain its faith in the integrity and impartiality of peace officers and their agencies officers must avoid taking or influencing official actions where those actions would or could conflict with the officer's appropriate responsibilities.

2. Rules:

a) Unless required by law or policy a peace officer shall refrain from becoming involved in official matters or influencing actions of other peace officers in official matters impacting the officer's immediate family, relatives, or persons with whom the officer has or has had a significant personal relationship.

b) Unless required by law or policy a peace officer shall refrain from acting or influencing official actions of other peace officers in official matters impacting persons with whom the officer has or has had a business or employment relationship.

c) A peace officer shall not use the authority of their position as a peace officer or information available to them due to their status as a peace officer for any purpose of personal gain including but not limited to initiating or furthering personal and/or intimate interactions of any kind with persons with whom the officer has had contact while on duty.

d) A peace officer shall not engage in any off-duty employment if the position compromises or would reasonably tend to compromise the officer's ability to impartially perform the officer's official duties.

2-14-11 PRINCIPLE EIGHT

Peace officers shall observe the confidentiality of information available to them due to their status as peace officers.

1. Rationale: Peace officers are entrusted with vast amounts of private and personal information or access thereto. Peace officers must maintain the confidentiality of such information to protect the privacy of the subjects of that information and to maintain public faith in the officer's and agency's commitment to preserving such confidences.

2. Rules:

- **a)** Peace officers shall not knowingly violate any legal restriction for the release or dissemination of information.
- **b)** Peace officers shall not, except in the course of official duties or as required by law, publicly disclose information likely to endanger or embarrass victims, witnesses or complainants.
- **c)** Peace officers shall not divulge the identity of persons giving confidential information except as required by law or agency policy.

2-14-12 APPLICATION

Any disciplinary actions arising from violations of this policy shall be investigated in accordance with MN STAT 626.89, Peace Officer Discipline Procedures Act and the law enforcement agency's policy on Allegations of Misconduct as required by *MN RULES* 6700.2000 to 6700.2600.

BUFFALO POLICE DEPARTMENT
GENERAL ORDERS

Effective: 01/25/2019	Reevaluation Date: FEBRUARY 2024

2-15 RESPIRATORY PROTECTION

2-15-1 PURPOSE

This N95 Respiratory Protection Guide was prepared and intended for use to specifically meet the needs of this organization.

2-15-2 POLICY

The purpose of this program is to ensure that all first responders required to wear respiratory protection as a condition of their employment are protected from respiratory hazards through the proper use of respirators. A respirator is a component of a system of infection control practice to prevent the spread between infected and non-infected persons.

2-15-3 PROCEDURES

2-15-4 PROGRAM COMPONENTS

A. Program Administration
B. Program Scope/Application
C. Identifying Work Hazards
D. Respirator Selection
E. Medical Evaluations
F. Fit Testing
G. Proper Respirator Use
H. Cleaning and Disinfecting
I. Inspecting, Maintenance and Repairs
J. Respirator Training
K. Evaluating/Updating Program
L. Roles and Responsibilities
M. Documentation and Record-keeping

2-15-5 PROGRAM ADMINISTRATION

A. The Administrative Assistant will be responsible for the administration of the respiratory protection program and thus is called the Respiratory Program Administrator (RPA).

B. The Administrative Assistant will be responsible for monitoring the ongoing and changing needs for respiratory protection.

2-15-6 PROGRAM SCOPE AND APPLICATION

This program applies to all first responders who could potentially be exposed to airborne respiratory illnesses during normal work operations, and during non-routine or emergency situations. This program is at no cost to the employee. Some of the types of work activities required to wear respirators are outlined in the table below:

Work Process	Location	Type of Respirator
Direct patient contact/care (Airborne Precautions)	Response Areas Patient Care Areas	N95- disposable

2-15-7 IDENTIFYING WORK HAZARDS

The respirators selected will be used for respiratory protection from potentially airborne infectious diseases; they do not provide protection from chemical exposure. Through normal working situations employees may be asked to have contact with patients who could be infected with a potentially airborne infectious agent such as Mycobacterium tuberculosis. Examples of other potentially airborne infectious diseases that first responders may be exposed to in emergency situations include: Severe Acute Respiratory Syndrome (SARS), measles, smallpox, viral hemorrhagic fever and possibly pandemic influenza. Because the condition/disease of a coughing patient is unknown most of the time, a first responder should take precautions to protect themselves from all infectious respiratory diseases including those which can be spread by droplet. Diseases that can be spread by droplet are: pertussis (whooping cough), varicella (chickenpox), meningococcal disease (meningitis), plague and influenza.

2-15-8 RESPIRATOR SELECTION

Only respirators approved by the National Institute for Occupational Safety and Health (NIOSH) will be selected and used in compliance with the conditions of its certification within our organization.

2-15-9 MEDICAL EVALUATION

A. Persons assigned to tasks that require respiratory protection must be physically able to perform the tasks while wearing a respirator.
B. The Medical Director of Buffalo Hospital will determine individual medical clearance by a medical questionnaire and/or medical exam before fit testing and use. A written medical recommendation regarding the first responder's ability to use the respirator must be obtained from the Medical Director of Buffalo Hospital. Employees refusing a medical evaluation will not be allowed to work in conditions requiring respirator use.
C. Annual review of medical status is not required; however, re-evaluation will be conducted under these circumstances:
    1. Person reports medical signs or physical symptoms that are related to the ability to use a respirator. (wheezing, shortness of breath, chest pain, etc.)
    2. It is identified that a person is having a medical problem during respirator use.
    3. The healthcare professional performing the evaluation determines a person needs to be re-evaluated and the frequency of the evaluation.
    4. A change occurs in the workplace conditions that may result in an increased physiological burden on the person.
    5. A person's facial size/shape/structure has changed significantly.
D. All examinations and questionnaires are to remain confidential between the person and Medical Director of Buffalo Hospital.

2-15-10 FIT TESTING

After the initial fit test, fit tests must be completed at least annually, or more frequently if there is a change in status of the wearer or if the agency changes model or type of respiratory protection (see below).

A. Fit tests are conducted to determine that the respirator fits the user adequately and that a good seal can be obtained. Respirators that do not seal do not offer adequate protection.
B. Fit testing is required for tight fitting respirators. (Persons with facial hair should not be fit-tested.)
C. Fit tests will be conducted:
    1. Prior to being allowed to wear any respirator.
    2. If the department changes respirator product.
    3. If a person changes weight by 10% or more.
    4. If a person has changes in facial structure or scarring.
    5. As Occupational Safety and Health Administration (OSHA) standards require.

2-15-11 PROPER RESPIRATOR USE

General Use

A. First Responders will use their respirators under conditions specified by this program, and in accordance with the training they receive on the use of the selected model(s). In

addition, the respirator shall not be used in a manner for which it is not certified by the National Institute for Occupational Safety and Health (NIOSH) or by its manufacturer.

B. All persons shall conduct positive and negative pressure user seal checks each time they wear a respirator.
C. All persons shall leave a potentially contaminated work area to clean or change their respirator if the respirator is impeding their ability to work.

2-15-12 CLEANING AND DISINFECTING

N95 - disposable

A. "If patient not in Contact Precautions (e.g., TB), discard if soiled, if breathing becomes labored, or if structural integrity is compromised," per MDH.
B. "If patient in Airborne Precautions is also in Contact Precautions (e.g., SARS, smallpox), discard after use," per MDH.

2-15-13 INSPECTING, MAINTENANCE AND REPAIRS

Respirators should be inspected prior to use.

N95 - disposable

A. Examine the face piece of the disposable respirator to determine if it has structural integrity. Discard if there are nicks, abrasions, cuts, or creases in seal area or if the filter material is physically damaged or soiled.
B. Check the respirator straps to be sure they are not cut or otherwise damaged.
C. Make sure the metal nose clip is in place and functions properly (if applicable).
D. Disposable respirators are not to be stored after use. They are to be discarded.

2-15-14 RESPIRATOR TRAINING

First Responders will be trained prior to the use of a respirator and thereafter when deemed necessary by the Respiratory Program Administrator (RPA). Training will include:

A. Infection Control
B. Identify hazards, potential exposure to these hazards, and health effects of hazards.
C. Respirator fit, improper fit, usage, limitations, and capabilities for maintenance, usage, cleaning, and storage.
D. Emergency use if applicable.
E. Inspecting, donning, removal, seal check and trouble shooting.
F. Explaining respirator program (policies, procedures, OSHA standard, resources).

2-15-15 EVALUATING/UPDATING PROGRAM

The Respiratory Program Administrator will complete an annual evaluation of the respiratory protection program.

A. Evaluate any feedback information or surveys.
B. The Respiratory Program Administrator will review any new hazards or changes in policy that would require respirator use.
C. The Respiratory Program Administrator will make recommendations for any changes needed in the respiratory protection program.

2-15-16 DOCUMENTATION AND RECORD-KEEPING

A. An electronic copy of this program is maintained online.
B. Medical information for all first responders covered under the respiratory program can be found in the individual medical files in the employee's personnel folder.
C. The completed medical forms and documented medical recommendations are confidential and will remain with the healthcare provider conducting the evaluation.
D. All relevant medical information must be maintained for the duration of the employment of the individual plus thirty years.

2-15-17 ROLES AND RESPONSIBILITIES

A. Respiratory Program Administrator (RPA)

The Respiratory Program Administrator (example: is responsible for administering the respiratory protection program.

Duties of the RPA include:

1. Monitor OSHA policy and standards for changes and make changes to agency's policy
2. Select respiratory protection products.
3. Distribute and evaluate education/medical questionnaire.
4. Ensuring employees receive training and medical evaluations.
5. Evaluate any feedback information or surveys.
6. Arrange for and/or conduct training and fit testing.
7. Coordinating annual retraining and/or fit testing.
8. Ensure proper storage and maintenance of respiratory protection equipment and respirators.

B. Supervisor

The Supervisor for the respiratory protection program may also be the Respiratory Program Administrator. Supervisors are responsible for ensuring that the respiratory protection program is implemented in their particular departments. In addition to being knowledgeable about the program requirements for their own protection, Supervisors must also ensure that the program is understood and followed by the first responders under their charge. Duties of the Supervisor include:

1. Knowing the hazards in the area in which they work
2. Identify work areas, processes, or tasks that require respiratory protection.
3. Knowing types of respirators that need to be used.
4. Ensuring worksite procedures are followed.
5. Enforcing/encouraging staff to use required respirators.
6. Notifying the Respiratory Program Administrator with any problems with respirator use, or changes in work processes that would impact airborne contaminant levels.
7. Monitor respirator use to ensure that respirators are used in accordance with their certification.

C. First Responder

1. Participate in all training.
2. Wear respirator when indicated.
3. Maintain equipment.
4. Report malfunctions or concerns.

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2-16 RIDE-ALONG PROGRAM

2-16-1 PURPOSE

The purpose of allowing citizens to ride with officers is to add to the public's knowledge and understanding of the problems and complexities of law enforcement.

2-16-2 POLICY

The Records Unit will maintain a file of those persons who have participated in the Ride-Along Program, and this file may be checked prior to approval being granted for their respective ride-along. Administration of the Ride-Along Program is the responsibility of the Chief of Police or designee.

2-16-3 PROCEDURES

2-16-4 IDENTIFICATION/TENNESSON WARNING/APPROVAL

At the time that any person submits application for ride-along, and at the time of the actual ride-along, positive identification of the rider is required in the form of a valid photo drivers license or identification card, to ensure that the person who is riding is one in the same as the applicant.

The person applying for consideration in the Ride-Along Program is to be provided a Tennessen Warning at the time of application, which clearly indicates that we may be conducting the following checks in consideration of their application:

A. Computerized criminal History check through the State of Minnesota to ensure that there are no felony or gross misdemeanor convictions on the party.
B. Warrant checks to ensure that the party is not currently wanted for any crime(s).
C. Local records checks to examine any police contacts, which may serve as a basis to deny the ride-along request.
D. Driver’s license check through the State of Minnesota or appropriate state, to ensure that the applicant is currently valid and has not been charged or convicted for any

chemical-related motor vehicle violation(s). This is not an immediate bar to granting a ride-along, but will be considered as part of the screening measures.

E. The above sections A., B., C., and D. may be by-passed if the person is known to the department or officer, or at the officer's discretion.
F. Any requests for juveniles to ride-along, must be signed by a parent or guardian, and the parent or guardian must also sign the Tennessen warning along with the juvenile, indicating that they are aware that the checks will be conducted, that they agree to the terms and conditions, and that the result of the records check may be serve as a basis to deny the request.

Final approval for ride-along requests rests in successfully passing the screening measures. Once a ride-along is authorized, the ride-along application will be signed by the Chief of Police, or designee. Application must be resubmitted each time a ride-along is requested (to include spouse, relative, known person to an officer). The screening measures applied will be at the discretion of the Chief of Police.

2-16-5 RESTRICTIONS ON RIDE ALONG PROGRAM

The length of the ride-along period will be four hours, unless specific written extension has been made in advance by the Chief of Police, or designee.

All juvenile ride-along periods will be conducted between 0700-1900 hours. The majority of the ride-along will be scheduled as early in the afternoon as possible.

There will be only one ride-along assigned to an officer at any given time.

No officer on probation will be authorized to participate in the Ride-Along Program as a driver, except on written approval by the Chief of Police.

The number of ride-alongs that an officer will be allowed to take will be determined on an individual basis. Some criteria in making the determination will be:

A. Number of officer-initiated ride-alongs performed;
B. The effect of the ride-alongs on the officer's ability to perform duties;
C. The time period involved.

This determination will be made by the Chief of Police, or designee.

Non-sworn employees of this department may be authorized to ride with on-duty sworn (non-probationary) police personnel for training purposes, but only if their supervisor feels such

action will increase the employee's understanding of the job and improve their performance of assigned duties.

Persons working on projects involving the department may be granted permission for extension on their ride-along period by the Chief of Police, or designee. Notification of extension and exact time periods will be given in writing prior to the ride-along date.

Buffalo City employees may ride while off duty; however, ride-along applications must be submitted for each occurrence and clearly indicate the date and block of hours consumed in this manner.

Immediate family members of our sworn personnel may ride with on-duty sworn (non-probationary) police personnel. Checks and ride along forms may be waived by the Chief of Police.

Buffalo Police Reserve Officers are permitted to ride with on-duty sworn (probationary and non-probationary) at the discretion of the Chief of Police or designee.

The officer conducting the ride-along will use discretion on whether to allow a person on a ride-along to enter a call scene.

2-16-6 ELIGIBILITY FOR RIDE ALONG PROGRAM

The Buffalo Police Ride Along program is open to City of Buffalo Residents who meet the standards outlined in this policy. The program is also open to non-residents under the following circumstances:

A. Currently enrolled students of the Buffalo Hanover Montrose School District who wish to participate as part of a school related assignment or activity.
B. Law Enforcement or Criminal Justice students who are currently enrolled in a post secondary accredited institute, which requires a ride-along component.
C. Members of Criminal Justice related agencies, who are participating in the course of their employment.
D. Those having a specific interest in the Buffalo Police Department such as:
    1. Police officer applicants
    2. City of Buffalo Employees
    3. Those having a personal contact with a current Buffalo Officer
    4. Others at the discretion of the Chief of Police

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2-17 SEXUAL HARASSMENT

2-17-1 PURPOSE

The City of Buffalo is committed to providing a work environment conducive to the performance of job duties free from intimidation or coercion in any form.

As an employer, the City is dedicated to a stringent policy against discrimination. Harassment on the basis of sex is a specific form of discrimination and an unlawful employment practice. Such practices present potential financial liability to the City and are prohibited and subject to disciplinary sanctions.

2-17-2 POLICY

City employees have a responsibility for maintaining high standards of honesty, integrity, impartiality and conduct in order to ensure the proper performance of the City's business and to maintain the confidence of the citizens. It is the policy of this City that sexual harassment is unacceptable conduct in the work place and will not be condoned. This policy is equally applicable to sexual harassment between supervisors and workers, between co-workers and/or between employees and non-employees on City property.

2-17-3 PROCEDURES

2-17-4 CITY OF BUFFALO SEXUAL HARASSMENT POLICY

A. CITY POLICY:

The policy of the City of Buffalo regarding sexual harassment is contained within the City's personnel policy manual. All members of the Buffalo Police Department are bound by this policy and are expected to abide by its contents.

B. ENFORCEMENT OF POLICY:

Prevention is the best tool for elimination of sexual harassment and sexual advances. However, in the event such activity cannot be prevented from occurring, any City employee who is subjected to conduct which violates the City's sexual harassment policy has the right to raise the issue of sexual harassment under said policy by bringing

such violation to the attention of the City Administrator, Assistant City Administrator, or their Department Head. Information concerning the report will then be forwarded to the City Administrator who will have responsibility to investigate the facts involved in the complaint.

C. SUPERVISOR RESPONSIBILITIES:

Supervisors and department heads shall be responsible for ensuring compliance with this policy by advising their employees of the policy and requiring their compliance.

D. EMPLOYEE RESPONSIBILITIES:

Employees are responsible for conducting themselves in accordance with the City's policy on sexual harassment and as otherwise directed by proper administrative authority. Employees are further responsible for reporting any reasonable suspicion of violations of this policy to a supervisor or department head.

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2-18 TOBACCO AND DRUG USE

2-18-1 PURPOSE

This purpose of this Administrative policy is to establish a smoking policy in order to provide a safe and healthy environment for City of Buffalo Police Department employees and the public, and comply with the Minnesota Clean Indoor Air Act of 1975.

The City of Buffalo recognizes that alcohol and drug misuse and abuse create potential health, safety and security problems. The city recognizes that it has a responsibility to maintain a drug-free work place. Consistent with this responsibility, the City must ensure that its employees perform their jobs efficiently, safely, and in a professional, business-like manner.

2-18-2 POLICY

This policy shall supersede all previous policies and shall govern all City of Buffalo Police Department employees, as well as patrons and visitors to any Police Department facility. Smoking of tobacco products, is prohibited throughout all City of Buffalo facilities, work sites, and vehicles, with exceptions as noted.

No Officer employed by the City shall distribute, dispense, possess, use or be under the influence of any alcoholic beverage, malt beverage, or intoxicating liquor or unlawfully manufacture, distribute, dispense, possess or use or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid or any other controlled substance, as defined in the Controlled Substance Act and as further defined by Regulation C.F.R. 1300.11, 1300.15, when reporting to work, during working hours, while on the City's property or wherever the City's work is being performed or while operating the City's vehicles, machinery or equipment, except for valid medical reasons, or as required by the duties of their position.

The City shall notify the appropriate law enforcement agency when it has reasonable suspicion to believe than an employee may have illegal drugs in his/her possession at work or on City premises.

2-18-3 PROCEDURES

2-18-4 SMOKING AND TOBACCO USE

A. EXCEPTIONS

1. In the police department only, if an officer has an individual in custody or is interviewing a suspect and it becomes necessary or convenient to allow the party to utilize a tobacco product, the officer may make the determination to allow the use of the tobacco product in the area of his/her control.
2. Within the police department, one area may be designated as a smoking area with the approval of the City Administrator. Any area designated for smoking must be separated from the non-smoking area by a physical barrier of 56" or more in height, or buffer zone of more than four feet; adequate ventilation for exchange of air must also be available in these areas.
3. In the police department, certain vehicles may be designated as "smoking permitted" and use accordingly provided only smokers occupy the vehicle. However, if a smoker and a non-smoker occupy the same vehicle at any time, the vehicle shall become a "smoking prohibited" vehicle for the duration of the occupancy. (This exception does not apply to "pool" vehicles which shall be "non-smoking" at all times.)
4. In the event that a conflict arises due to the encroachment of smoke from a "smoking permitted" area into a "smoking prohibited" area, the area shall become a "smoking prohibited" area.
5. Employees are expected to comply with this policy in their respective workplaces.

B. SUPERVISOR RESPONSIBILITIES:

1. Supervisors and department heads shall be responsible for ensuring compliance with this policy by advising their employees, business patrons and visitors of the policy and requiring their compliance.
2. Supervisors and department heads shall also be responsible for reviewing any complaints regarding violations of this policy.

C. EMPLOYEE RESPONSIBILITIES

1. Employees are responsible for conducting themselves in accordance with this policy and as otherwise directed by proper administrative authority.
2. Upon witnessing a violation of this policy, employees shall also be responsible for informing the violator of the policy and requesting their compliance. If compliance is not forthcoming, the employee is responsible for reporting the incident to their supervisor or department head.

D. REPORTING

1. Any person who feels this policy is not being complied with, or any person who witnesses a violation of this policy, may register a complaint with their supervisor or department head. Complaints must be related to current violations only. All complaints will be kept confidential.
2. No employee who makes a formal complaint regarding smoking or rules governing smoking or non-smoking shall be subject to discriminations, harassment or termination.

E. NON-COMPLIANCE

Employees found in violation of this policy shall be subject to discipline as provided for in the City of Buffalo Personnel Policy or other appropriate governing policy.

F. USE OF TOBACCO

Officers, when in uniform, may use any tobacco product as long as:

1. They do not have to leave their assignment or post for the sole purpose of doing so, and:
2. They are not engaged in traffic control, or another assignment where the use of said tobacco product would be offensive to the public or other individuals they may encounter as a result of said assignment.

2-18-5 ALCOHOL AND OTHER DRUG USE

A. EXEMPTIONS:

Police Department: The confiscation or handling of alcohol or controlled substances by police department personnel and other law enforcement personnel as part of their official law enforcement duties is exempted from this policy.

Prescriptions/over-the-counter medication: Prescriptions and over-the-counter medications, if obtained by legal means, may be allowed on City property. An employee is required to immediately notify his/her supervisor when he/she is taking medically authorized drugs or other substances which may alter job performance. When such use of drugs adversely affects job performance, it may be in the best general interest of the employee, co-workers, and the City that the person take leave from work.

B. AUTHORIZED USE:

1. Officers may, when pre-approved with their immediate supervisor, consume alcohol while on-duty, if the supervisor determines that the use is appropriate due to job requirements or assignment. Officers shall refrain from being in possession of a firearm or operating city vehicles during this time, unless circumstances dictate that they must act otherwise as a part of their job assignment.
2. Officers who are acting in an undercover capacity may find themselves in a position where they are offered and/or forced to use illicit drugs. The Officer

should take all necessary precautions to avoid being placed in this situation. If an Officer finds it necessary to consume illicit drugs in order to preserve their life or immediate safety, it will not be considered a violation of this policy. However, any Officer who consumes any illicit drug as a result of this type of circumstance, is required to immediately notify their supervisor as soon as it is safe to do so.

C. EMPLOYEE ASSISTANCE:

Employees who may have an alcohol or other drug problem are encouraged to seek a professional assessment and to use their health insurance plans, as appropriate.

D. VIOLATIONS:

1. Nothing in this policy shall prevent the City from taking disciplinary action against an employee for violation of this policy, including possible discharge, depending on the severity and circumstances involved. Each situation will be evaluated on a case-by-case basis according to state law, and any applicable collective bargaining agreement.
2. **Marijuana possession, sale, distribution, or use**. Some states have passed laws that make the possession, sale, distribution, or use of marijuana legal, whether for medical purposes, or for recreational use. Marijuana remains illegal at the Federal level, regardless of any state's action, including Minnesota, to legalize the substance for any purpose, whether recreational or medicinal. Each officer of this department has taken an oath to support the constitutions of both the Federal and State governments. That oath demands that officers comply with all laws in force by either body. Although the State of Minnesota and other states, may pass laws that legalize marijuana for prescribed use, these laws do not supersede Federal law. In short, marijuana is illegal and officers may not possess, sell, distribute, or use it at any time, except as exempted in this policy. Any unauthorized possession, sale, distribution, or use of marijuana is considered a violation of this policy, and of section 14 regarding officer conduct.
3. **Other drug use**. It is conceivable that an officer may travel to another state or country, in which other drugs, which are illegal by either Minnesota statute or Federal law, may be legally used or possessed. Any possession, sale, distribution, or use of a drug that is illegal either in Minnesota or on the Federal level, even if legal in another state or country, shall be considered a violation of this policy and of section 14 regarding officer conduct.

E. LEGAL CONVICTIONS:

Each employee, as a condition of employment, is required to comply with this policy and to notify his/her supervisor in writing of any criminal drug statute conviction for a violation occurring on or off the work premises while conducting City business no later than five (5) days after such conviction.

F. SUPERVISOR RESPONSIBILITIES:

1. Supervisors and department heads shall be responsible for ensuring compliance with this policy by advising their employees of the policy and requiring their compliance.
2. Supervisors and department heads shall also be responsible for reviewing any complaints regarding violations of this policy. The department head response, and an appeal to that response, shall be subject to the procedures provided for the City Personnel Policy and any applicable collective bargaining agreement.

G. EMPLOYEE RESPONSIBILITIES:

Employees are responsible for conducting themselves in accordance with this policy and as otherwise directed by proper administrative authority. Employees are further responsible for reporting any reasonable suspicion of violations of this policy to a supervisor or department head.

H. DATA DISCLOSURE:

Disclosure of information regarding employee alcohol and other drug use shall be in accordance with applicable laws.

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2-19 TUBERCULOSIS PROTECTION

2-19-1 PURPOSE

The Buffalo Police Department has implemented this program to protect workers who may be exposed to respiratory hazards, specifically airborne infectious disease such as tuberculosis. The primary objectives are to prevent contamination of the working atmosphere and to use appropriate respirators to minimize exposure to contamination. Protection for workers will be provided in the form of proper respirators and training in their selection, use, and maintenance. This program is tailored to high efficiency particulate respirators (HEPA) approved by NIOSH, which are disposable and used by only one person.

2-19-2 POLICY

Each employee of the Buffalo Police Department shall become familiar with this policy and adhere to the prescribed Exposure Control Plan. Any violation of these policies may result in disciplinary action up to and including dismissal. All policies and procedures contained in this Exposure Control Plan shall be implemented as described. This plan will be reviewed and updated at least annually, or whenever new or modified tasks and procedures are added which may affect occupational exposure.

2-19-3 PROCEDURES

2-19-4 RATIONALE

Transmission of tuberculosis is a recognized risk in health care settings, including Emergency Medical Services. Since the early 1980's, there have been substantial increases in the number of persons affected by tuberculosis, with over 26,000 cases now reported annually. Persons infected with the Human Immunodeficiency Virus (HIV) are at increased risk for TB, and the number of deaths attributed to TB has also increased dramatically with the spread of HIV infection. TB is at epidemic proportions in many metropolitan areas, placing health care providers at risk. Under the Minnesota Employee Right-to-Know and Section 5(a) (1) of the Occupational Safety and Health Act (General Duty Clause), this Respiratory Protection Plan is to be implemented by the City of Buffalo Police Department to minimize risk to personnel.

2-19-5 SCOPE

This program applies to all workers of Buffalo Police Department who are required to wear a respirator for protection from tuberculosis in the performance of their duties. Tuberculosis and multiple drug resistant tuberculosis (MDR-TB) can seriously affect the health and well-being of workers, and respiratory protection equipment should be used to minimize exposure to tuberculosis.

2-19-6 BACKGROUND

Tuberculosis is spread through the air by a bacterium called Mycobacterium Tuberculosis. Infected persons produce airborne particles called infectious droplet nuclei when they speak, cough, sneeze, laugh, or sing. Normal air currents keep these small particles airborne and can spread them throughout a room or building. When air contaminated with infectious droplet nuclei is breathed deep into the lungs, a person may become infected with TB. The likelihood of becoming infected primarily depends on the concentration of infectious nuclei in the air, the length of exposure time, and use of engineering controls and personal protective devices (respirators).

TB infection begins in the lungs, but can spread throughout the body. Within 2-10 weeks after infection, the body's immune system usually limits further spread. TB infection is not the same as active TB disease. Those infected with TB have no symptoms and are not considered infectious if they do not have symptoms of active TB disease. About 10% of those infected will develop symptoms of active TB disease at some point in their lives unless preventive medication therapy is received. Disease symptoms may not begin for months, years, or decades after the initial infection.

It is important to establish when infection occurs so appropriate measures can be taken to eliminate infection before it progresses to disease, and to identify and contain any outbreaks of TB. The risk of TB transmission is greatest from persons with undiagnosed or untreated tuberculosis. Workers who have repeated, prolonged contact with persons at high risk for tuberculosis - sharing the same air - are most at risk.

Multiple drug resistant tuberculosis (MDR-TB) is resistant to antibiotics normally used to combat the disease. If a worker catches TB infection from someone with MDR-TB, the worker's infection can be just as drug-resistant as the source patient's. Because anti-TB drugs are less effective or possibly not effective at all, patients with MDR-TB can remain infectious for longer periods of time, and infect larger numbers of people around them. Health care workers have died due to MDR-TB infection, and the number of fatalities due to TB is expected to rise.

Signs and symptoms of TB disease include:

- persistent cough for 2 weeks or more
- Weight loss
- Weakness or fatigue
- Night sweats
- Anorexia, loss of appetite
- Fever
- Possibly coughing up blood (hemoptysis)

2-19-7 EXPOSURE DETERMINATION

A. Based on assessment of job descriptions and actual duties, workers in the following job classifications are considered AT RISK:
   Police Chief
   Police Lieutenant
   Investigator
   Police Officer
   School Resource Officer
   Community Service Officer

B. Areas Where Risk May Be Present
   The risk of exposure to airborne TB bacteria may be greater in certain areas of our service area because they serve as isolation rooms, treatment areas, waiting/holding areas for patients with suspected or confirmed active TB, or high hazard procedures are performed there.

   The following areas may present higher risk for exposure to airborne TB:

   1. Correctional Facilities
   2. Long-Term Care Facilities (nursing homes)
   3. Patient's Homes (when known to have TB) (persons with respiratory illnesses)
   4. Homeless Shelters
   5. Drug Treatment Centers
   6. Other areas as identified by recognized Health Care Agencies
   7. Within the ambulance
   8. Hospitals and clinic settings

C. Identified Sources Of Exposure To TB
   OSHA and CDC have identified the following as posing significant risks for workers to be exposed to tuberculosis including these high hazard procedures performed by the Buffalo Police Department which could generate airborne respiratory secretions:

   - Suction procedures.
   - Combi Tube or Oral Airway procedures.
   - Assisting in endotracheal procedures.

- Nebulization procedures.
- Any other procedures which could stimulate coughing, sneezing or spitting.
- Repeated, prolonged direct indoor contact with high risk population groups.

2-19-8 WORKER PROTECTION PROGRAM

None of the following methods, alone or in combination, can completely eliminate the risk of contracting tuberculosis. However, an effective TB Infection Control Program can drastically reduce the risk by using a "hierarchy of controls". Our TB Control Program contains the following elements:

A. Emergency service dispatchers upon being informed of known or suspected TB or other known infectious disease should alert EMS responders to the possible need for personal protective equipment, within the confines of civil rights laws and federal or state confidentiality laws.

B. When EMS personnel or police officers at the scene recognize or establish the patient's complaint, signs and symptoms, or other indicators of active TB disease are present, such information must be passed on immediately to EMS personnel and direct indoor contact with the patient should be minimized. The rest of the infection control hierarchy should be implemented without delay as follows:
    1. A patient with known or suspected TB should be fitted with a surgical mask. If the patient cannot tolerate a mask, the patient should be asked to cover their mouth with a tissue, washcloth, or towel.
    2. Surgical masks are not appropriate protection for First Responder workers since they are not designed to filter particles the size of TB, and they do not provide a tight face seal. On the patient, however, the mask will help to trap and contain airborne infectious nuclei.
    3. An oxygen mask or nasal cannula on the patient does not contain TB. Full and partial non-rebreather oxygen masks are positive pressure devices, and may flush airborne particles out the sides of the mask and into the environment.
    4. Airway management is a higher priority than source controls. Do not put a surgical mask over an oxygen mask, or an oxygen mask over a surgical mask.

C. Minimizing Exposure During Transport of Known or Suspected TB Patients.
    1. Ambulances should utilize high velocity, high CFM ventilation fans if so equipped. During Transport, the patient should wear a surgical mask and all emergency medical services personnel, including ride-alongs or police officers shall wear a HEPA respirator. The driver will also be required to wear a HEPA respirator while enroute to the hospital destination.
    2. Heating and air conditioning systems on vehicles should be used on non-recirculating cycle if so equipped.
    3. Where possible, procedures which cause the patient to cough while in the vehicle should be avoided.
    4. Ambulance rear windows should be opened during transport if possible.

D. Personal Protective Equipment: Respirators
    1. Personal respiratory protection equipment will be provided for workers as a part of standard equipment.
    2. First Responder personnel shall wear the respirator in the following circumstances:
        a. When entering any room occupied by a patient with known or suspected infectious tuberculosis, and when attending or transporting such a patient in a confined environment or a vehicle.
        b. When performing high hazard procedures as listed in section 95.1 paragraph 3 on patients with suspected or confirmed active TB disease.
        c. Because it filters air, wearing a respirator will cause breathing to become slightly, but noticeably, more difficult. DO NOT wear more than one respirator at a time.
        d. A respirator may be reused by the same person until it becomes damaged, wet, dirty, unsanitary, or visibly contaminated. After use, it can be discarded in the trash, and is not considered a biohazard.

2-19-9 WORKER TRAINING

All First Responder personnel classified "at risk" will receive training on the hazards and control of tuberculosis at the time of hire or at the time of assignment to a position involving risk of occupational exposure to TB. Refresher training will take place at least annually thereafter. Subjects covered shall include (at a minimum):

- The cause and transmission of TB.
- Definition of "infectious".
- Distinction between TB disease and TB infection.
- Purpose and interpretation of TB skin testing.
- Significance of a positive TB skin test.
- Signs and symptoms of TB.
- Reporting mechanism of the signs and symptoms.
- Purpose of preventive therapy.
- Risk factors for TB disease development.
- Treatment of TB, including origin and prognosis of MDR-TB.
- Purpose of surveillance program.
- Recommend follow-up of positive skin tests.
- Agency specific protocols.
- Respirators: purpose, proper selection, kit, use, and limitations.
- Engineering controls.

2-19-10 MEDICAL SCREENING AND EMPLOYEE SURVEILLANCE PROGRAM

2-19-11 TESTING

A. A skin test for TB normally gives a positive reaction within 2-10 weeks after infection. All existing First Responder personnel who are classified "at risk" will be offered the Mantoux skin test, free of charge in order to establish a "base line" at a time and place convenient to them and;
    1. At the time of employment, unless there is a vacant previous positive test or documented completion of adequate preventative therapy; and
    2. Every twelve (12) months, thereafter, for workers with exposure to patients with Tuberculosis, or who are involved with high hazard procedures; and
    3. After a Tuberculosis exposure, if worker has been exposed to a potentially infectious Tuberculosis patient for whom infection control procedures were not taken. If test is negative, skin test shall be repeated twelve (12) weeks after exposure.
    4. Retesting every six (6) months when First Responder personnel have been exposed to patients with confirmed TB or suspected cases when symptoms of TB are identified.
    5. First Responder personnel exposed to TB shall be managed in accordance with CDC guidelines and recommendations.
B. Results of Mantoux testing must be read 48-72 hours following the injection. Employees may not read their own tests. All PPD tests must be read by personnel trained to read the results of the Mantoux test.
C. Employees will be informed about the interpretation of the PPD test results. All PPD tests must be read by personnel trained to read the results of the Mantoux skin test.
D. Any employee with a positive Mantoux test will be sent to the City's designated medical facility to be evaluated for clinically active TB with a chest radiograph and clinical evaluation.
E. If an employee’s PPD test converts to positive, a history of possible exposures should be obtained in an attempt to determine the potential source of TB exposure. When the source is known, the drug susceptibility pattern of the Tuberculosis isolated from the source should be determined in order to determine appropriate therapy for the employee with the PPD test conversion.
F. Workers with documented positive PPD test and documented adequate treatment for disease or preventive therapy for infection are exempt from further skin testing and/or chest x-rays unless symptoms of tuberculosis develop.
G. If a worker classified "at risk" refuses the PPD test, they must sign a waiver indicating informed refusal of the procedure.
H. At this time, there is no effective vaccine against tuberculosis. The BOG vaccination, available in other countries, has not demonstrated consistent effectiveness and is not

used regularly in the United States. Workers who may have received the BOG vaccination are NOT considered exempt from skin testing and other protective measures described in this program unless they have documentation of previous positive PPD skin test and evidence of completion of preventive therapy or treatment for TB disease.

I. All employees, including those with a history of positive PPD, are cautioned that they should be evaluated promptly for any pulmonary symptoms suggestive of TB.

2-19-12 TREATMENT FOR WORKERS WITH TB INFECTION OR ACTIVE TB DISEASE

A. Workers with positive skin test will be referred to a medical professional for further evaluation, which may include chest x-ray. If tuberculosis infection is diagnosed, preventive medication therapy will be provided. Usual work activities may continue.

Evaluation for risk of HIV infection and HIV antibody testing (if indicated) is encouraged for all workers with positive skin tests.

B. Workers with symptoms of active TB disease will be referred to a medical professional for evaluation, regardless of skin test results. If active TB disease is diagnosed, appropriate medication or other therapy will be provided at no cost to the worker.
C. Health care workers with pulmonary or laryngeal TB pose a risk to patients, other health care and E.M.S. workers; therefore, they shall be excluded from work until they are not longer infectious. The same work restrictions applicable for immunocompetent health care workers apply to health care workers with active TB and HIV infection or other conditions resulting in severely impaired cell mediated immunity.
D. Workers with infectious pulmonary or laryngeal TB may not return to work until:
    1. Adequate treatment is instituted and completed.
    2. Cough is resolved.
    3. A physician certifies the worker is no longer infectious.

E. Routine radiographs are not required for asymptomatic, PPD negative health care workers. Health care workers with positive PPD tests should have a chest radiograph as part of the initial evaluation of their PPD test. If negative, repeat chest radiographs are not needed unless symptoms develop that may be due to TB.
F. Health care workers with TB at sites other than the lung or larynx usually do not need to be excluded from work if concurrent pulmonary TB has been excluded.
G. Employees with TB who discontinue treatment before the recommended course of therapy has been completed will be excluded from work until treatment is resumed, an

adequate response to therapy is documented and they again have negative sputum smears on three (3) consecutive days.

2-19-13 MEDICAL EVALUATION

A. Every worker who will wear respiratory protection must receive initial & annual medical evaluation to verify their suitability to wear a respirator. Evaluation will be performed at agency expense by a licensed physician, who will provide a written opinion attesting to the fitness or unfitness of each individual to wear a HEPA respirator while performing work activities.

   Medical evaluation may include (but is not limited to):

   1. Medical history questionnaire.
   2. Occupational history questionnaire.
   3. Respiratory disease questionnaire.
   4. Physical exam, emphasizing pulmonary and cardiac systems.
   5. Assessment of individual's ability to manipulate and/or properly wear a respirator device.

B. If the physician determines an individual will require more frequent examinations, they will be provided.

C. If an individual cannot be properly fitted with a respirator, or the physician determines it is not feasible for an individual to wear a respirator in the performance of work duties, that individual may not continue in a position involving risk of exposure to TB.

D. The Buffalo Police Department will provide a copy of the physician's statement to any worker upon request within thirty (30) days following receipt. Records of medical evaluations will be maintained in each worker's medical records file.

2-19-14 CLEANING AND DISINFECTION

A. Universal precautions and established department protocols should be followed when dealing with body fluids. Main suction units should contain a plastic bag to receive fluids. Dispose of suctioned material in a biohazard container at the destination facility. If a patient spits or otherwise gets secretions on the ambulance or equipment, wear protective gloves to clean up the spill and disinfect the area following normal disinfection procedures.

B. Suction and resuscitation equipment will be cleaned and disinfected following normal procedures. Since tuberculosis is spread through the air, no other special cleaning or disinfection procedures are required. As usual, always wash hands after patient contact.

2-19-15 RECORDKEEPING

A. Records of skin testing, medical evaluations, and treatment are considered worker medical records. Records of TB exposure incidents will be maintained in a confidential, limited access ale (separate from personnel records) for the duration of employment plus thirty (30) years as per OSHA 1910.20.

B. Positive skin tests at time of hire are not recorded on the OSHA200 log. Otherwise, positive skin tests, confirmed tuberculosis infection, and active tuberculosis disease will all be recorded on the OSHA 200 log unless there is clear documentation that exposure occurred outside of work related activities.

2-19-16 WORKER RESPONSIBILITY

A. Respirators must be used in accordance with instructions and training received.
B. Properly store respirators to avoid crushing, deformity, moisture, and damage.
C. Inspect respirators before using to be sure all parts are in working order and the respirator is structurally intact.
D. Maintain respirators in sanitary condition.
E. Comply with facial hair requirements of this Program.
E. (If applicable) wear eyeglasses so as not to affect the fit of the respirator.
F. Understand that HEPA respirators are not safe for use in dangerous, toxic, or oxygen deficient atmospheres and avoid such situations.

2-19-17 SAFETY WARNING

The following statement is reprinted from *NIOSH Recommendations for Personal Respiratory Protection of Workers in Health Care Facilities Potentially Exposed to Tuberculosis:*

> WARNING - These respirators help protect against airborne tuberculosis transmissions by reducing the inhaled concentrations. Failure to follow all instructions and limitations on the use of these respirators and/or failure to wear them during all times of exposure can reduce respirator effectiveness and may results in tuberculosis infection and possible death.

No respirator is capable of assuring that all droplet nuclei are prevented from entering the wearer's breathing zone. Misuse of these respirators will increase the risk of inhaling airborne tubercle bacilli and may cause tuberculosis infection and possible death. For this reason, proper training in the use of these respirators is essential in order for the wearer to receive protection.

Without an effective respiratory protection program, respirator wearers are not likely to receive the protection that can be afforded by their respirator, even it if is a correct choice for

the situation. As a minimum, compliance with OSHA regulation 29 CFR 1910.134 for occupational respirator use is essential whenever respirators are used by workers, whether required or on a voluntary basis.

BUFFALO POLICE DEPARTMENT

DECLINATION OF PPD SKIN TEST

I understand that due to my potential occupational exposure to airborne infectious materials, I may be at risk of acquiring tuberculosis (TB) infection. I understand that TB infection can lead to active TB disease, which can cause death.

I have attended the Tuberculosis Awareness training program presented by my agency. I have been given the opportunity to be tested with Purified Protein Derivative (PPD) to detect TB infection, at no charge to myself. However, I decline the PPD test at this time. I understand that by declining this test I may not become aware that I have been infected with TB, and may continue to be at risk for developing active TB disease, a serious disease.

If in the future I continue to have occupational exposure to airborne infectious materials and I want the PPD test, I can receive the test at no charge to me.

_____ _____

Worker Name (type or print) Worker Signature Date

_____ _____

Agency Official Agency Official Signature Date
(type or print name and title)

Effective: 01/25/2019	Reevaluation Date: FEBRUARY 2024

2-20 UNIFORMS

2-20-1 PURPOSE

A clear and concise written directive provides members of the Buffalo Police Department with direction on how the uniform, and ultimately their appearance, affects their presence within the community.

2-20-2 POLICY

Uniform clothing standards should be based on the requirements of an officer's position in the Department with regard to visibility, community acceptance and the physical aspects of the particular task. It is apparent that a single type of uniform is not sufficient for the varied jobs performed by members of the Department. However, to assure easy public recognition of Police personnel and to maintain a professional appearance, certain standards of dress must be developed.

2-20-3 PROCEDURES

2-20-4 UNIFORM ISSUE

All uniform and non-uniform items provided to Police personnel by the City of Buffalo remain the property of the City of Buffalo and must be turned in upon termination.

2-20-5 UNIFORM DISPOSITION UPON TERMINATION OR CHANGE IN ASSIGNMENT

When an employee terminates employment with the Department for whatever reason, they will be responsible for turning in all uniform items and non-uniform items provided by the City of Buffalo, to their respective supervisor or designee. Should an officer's change in assignment necessitate a change in dress, the officer shall contact their supervisor for the proper procedure with regard to their disposition of uniform items.

2-20-6 MILITARY STYLE UNIFORM

A. The military style uniform shall be kept clean and pressed, and will always be worn with complete buttons and badge in place. Embroidered officer names are optional on uniform shirts or outer vest carriers.
B. Uniforms are required to be in compliance with these policies when worn. The only exception maybe the uniform trousers, which are considered unrecognizable. They may be worn without other uniform items when going to and from employment. No officer will wear any paraphernalia on their uniform which is not part of the authorized uniform issue.
C. The military uniform shall be the designated uniform for all officers assigned to the Patrol Division. Officers are to report to his/her assigned shifts in this uniform unless directed to dress in a different style by his/her supervisor or Chief of Police.
D. Officers assigned to non-patrol activities may be directed by his/her supervisor or by the Chief of Police to report for his/her assigned shifts routinely in:
    1. Military uniform
    2. Civilian clothing
    3. Utility clothing
E. Officers assigned to perform his/her duties in other than the military uniform must maintain the minimum number of items necessary to report for duty in the military uniform when ordered to do so.
F. Uniform Styles
    1. Dress Uniform: Consists of Class A Uniform.
    2. Class A: Dress Pant, Round Top Hat or Military Soft-Sided Hat with ear flaps (with hat badge displayed), Long-Sleeves, Tie, and Tie Clip (matching the color of the officer's collar brass).
    3. Class B: Dress Pant or Cargo/Utility Pant, Round Top Hat or Military Soft-Sided Hat with ear flaps (with hat badge displayed), approved knit stocking cap, baseball style hat, long or short-sleeves with either an approved turtle neck or approved t-shirt undershirt.
    4. Class C: Bike Patrol.
        a. Cycling shorts or jogging pants
        b. Tennis shoes
        c. Athletic socks
        d. Protective eyewear
        e. Polo style shirt
    5. Class D: Special Operations Uniform to be determined.

2-20-7 SHIRTS & PANTS

Approved military uniform attire are the long-sleeve uniform shirt with tie and dress pant, or long-sleeve with approved turtleneck or approved t-shirt undershirt. The short-sleeve uniform shirt without tie with approved t-shirt undershirt may be worn at the officer's discretion or as weather conditions dictate. The Chief of Police may, at his/her discretion, determine the uniform to be worn.

Pants authorized to be worn in conjunction with the military style uniform will consist of two styles: standard dress style pants (considered the Class A uniform pant), or utility pants with thigh pockets, commonly referred to as cargo pants (considered the Class B uniform pant).

Unless the Chief of Police or his designee has determined that the uniform of the day will be the Dress Uniform or Class A uniform, uniformed Officers (sworn or non-sworn) may wear either the Class A or Class B pant for general duty purposes.

Officers are discouraged from carrying bulky items in the thigh pockets of the Class B pant, except that TASERS are considered an appropriate item to be carried in these pockets.

2-20-8 JACKETS AND PARKAS

The uniform jacket, parka or other authorized outer wear clothing may be worn at the officer's discretion and as weather conditions dictate. When a jacket, parka or other authorized outer wear clothing is worn as the outside layer, it must display the officer's badge in the same manner as the uniform shirt.

2-20-9 FOOTWEAR

Footwear worn with the military-style uniform must be black and must be kept clean and polished. Several styles of footwear are available, but must be pre-approved by the supervisor or Chief of Police. Socks shall be black or navy blue in color when shoes are worn. Socks shall be navy blue, black, or white when the military style boot is worn.

2-20-10 HATS

Uniform Dress Hat will be the Military style round-top. This hat may be worn at the officer's discretion, and will be worn during any time when the Dress Uniform has been determined to be the uniform of the day. When worn, this hat shall bear the Department hat badge.

Two styles of winter hats are authorized: the standard Military soft-sided hat with ear flaps, or an approved knit stocking cap. Either of these hats may be worn at the discretion of the officer

unless the Dress Uniform has been ordered. When the Military hat is worn, this hat shall bear the Department hat badge.

2-20-11 BASEBALL STYLE CAPS

Baseball style caps are authorized for wear with Class B military-style uniform. Officers wearing the baseball style cap will only wear an approved cap and will ensure the cap is clean at all times. The supervisor on duty has the authority to determine if the cap does not meet uniform standards. The cap must be worn forward at all times.

2-20-12 OTHER EQUIPMENT

The following supplemental equipment is required while wearing the military style uniform:

A. Holster and handgun with ammunition
B. Handcuff case and handcuffs
C. Extra ammunition carrier and ammunition
D. TASER and AIP (required for Uniformed Patrol Officers only).
E. Any equipment as may be required by officer's supervisor or the Chief of Police

The following supplemental equipment may be supplied and is to be worn on the officer's duty belt while wearing the military uniform:

A. Flashlight
B. Keys
E. Portable radio and case

Items may be placed on the duty belt in accordance with the officer's preference; except the handgun and holster which shall be on the officer's strong side, with the top of the weapon toward the front.

The wearing of a reflective vest is a requirement of OSHA whenever an officer is directing traffic. It is the policy of this department that we will follow that requirement. Accordingly, Officers who are directing traffic shall wear the supplied reflective vest, unless time or circumstances make it impractical to do so.

2-20-13 PROTECTIVE VESTS

A. Required for Licensed Personnel

All uniformed, licensed officers, assigned to the patrol division shall wear their issued soft body armor at all times when on duty, unless a specific exemption has been granted by the Chief of Police. This requirement also includes officers working uniformed duty

for special details, or contracted duty. Officers not assigned to uniformed patrol shall either wear their issued soft body armor while on duty, or have it immediately available for use should the need arise.

A. Optional for Non-Licensed Personnel
Based on job duties and assignments, non-licensed personnel are not expected to be assigned to duties that would create a reasonable need for the use of a protective vest. Accordingly, protective vests are considered a non-essential piece of equipment for non-licensed staff. If non-licensed personnel wish to wear a protective vest, they may do so at their discretion, with the following provisions:
    1. The vest is to be acquired at their own expense. The City will not provide any financial assistance or reimbursement for vests purchased or otherwise acquired by non-licensed staff. If they are available, non-licensed staff may use protective vests that have been previously used by licensed staff, if they have been removed from service.
    2. The vest acquired must conform to the same standards at the vests approved for licensed staff. For a protective vest to have any value, it must be capable of stopping small arms fire, consistent with that carried by the agency. Vests of a lower quality or capability would have no useful value, and are not approved for use.
    3. Vests acquired for use as a Buffalo Police Department employee or volunteer, are to be used exclusively for official purposes, and only while actually engaging in those duties. Vests are not to be used or worn outside of these parameters.

2-20-14 NON-UNIFORMED PERSONNEL DRESS

While not required to wear any particular style of clothing, non-uniformed personnel must recognize that his/her appearance will reflect upon the Department to the same degree as the appearance of uniformed officers; therefore, on duty personnel of the Department shall dress in line with contemporary business standards. Exceptions may be authorized by the Chief of Police for special duty assignments, or by respective commanding officers.

2-20-15 NON-UNIFORMED OFFICERS SHOULD CARRY THE FOLLOWING ITEMS:

A. Authorized weaponry
B. Authorized leather goods
C. Any equipment as may be required by the officer's supervisor

2-20-16 BADGES

Officers wearing the military uniform will at all times have his/her issued badge displayed properly on the outermost garment worn and shall also carry his/her departmental Identification Card.

On-duty officers not wearing the military style uniform shall carry on his/her person the badge issued to him/her by the Department, as well as the departmental Identification Card. Special circumstances may require these personnel to display his/her badges on their outermost clothing for positive identification.

Officers will furnish their name and badge number to any person requesting that information when they are on duty or holding themselves out as having official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority.

2-20-17 APPEARANCE

All personnel, uniformed or non-uniformed, should be neat, clean and in compliance with policy.

2-20-18 DUTY OF SUPERVISOR TO ENSURE COMPLIANCE

Supervisors should recognize his/her responsibility to ensure that personnel under his/her control abide by the uniform and dress standards. Daily formal and/or informal inspections of personnel should take place by supervisors to assure compliance with this policy.

2-20-19 REPLACEMENT OF LOST, STOLEN OR DAMAGED EQUIPMENT

Should a piece of personal departmental-issued equipment, be lost, stolen or damaged, the employee experiencing the loss should notify a supervisor as soon as practical.

The supervisor will review the report and determine whether the loss was due to negligence on the officer/member's part. If it is determined that the officer/member is negligent, the replacement cost will be charged to the officer/member. The item will be purchased through the Department in order to ensure uniformity of equipment. If the officer/member is determined not to be negligent, then the item will be replaced at no expense to the officer/member.

Negligence implies inattention to one's duty and failure to exercise care that a prudent officer/member usually exercises.

Personal equipment refers to that equipment which is issued by the Department to an officer/member for their use while employed with the Department.

2-20-20 GENERAL PROCEDURES

Inspections will be posted prior to the actual date of inspection. Dates will be determined by the office of the Chief of Police.

Personnel will be informed of the type of uniform and Department equipment that will be inspected at the time of posting.

All inspections of personnel, their equipment and assigned vehicles will be conducted by the Chief of Police and their immediate supervisor.

2-20-21 UNSATISFACTORY INSPECTIONS

Personnel not reaching a satisfactory level in any area of the inspection of their person, uniform, personal equipment or assigned vehicle will be immediately notified of the deficiency and given a date for re-inspection and the assistance needed in correcting the problems identified by the Chief of Police and their supervisor.

2-20-22 AUTHORIZED DEPARTMENT EQUIPMENT LIST

The Chief of Police or designee will keep a list of authorized equipment for issuance of items for officers of the Buffalo Police Department. This list will include the make, model, style, or other descriptive information pertaining but not limited to:

A. Shirts
B. Jackets
C. Pants
D. Hats
E. Any other items as necessary in consideration for uniform application and appearance.

The approved equipment list is all-inclusive and represents all of the items of approved equipment and uniform items allowed to be worn or carried. Any item not included on the approved equipment list is not approved, and may not be carried or worn without written approval of the Chief of Police or designee.

BUFFALO POLICE DEPARTMENT
GENERAL ORDERS

Effective: 01/25/2019	Reevaluation Date: FEBRUARY 2024

2-21 VOLUNTARY PHYSICAL FITNESS PROGRAM

2-2-1 PURPOSE

It is the goal of the Buffalo Police Department to reaffirm our commitment to a voluntary fitness and wellness program that serves the interests of the agency, its individual staff, and the community as a whole.

2-2-2 POLICY

All sworn, non-sworn, and volunteer staff of the Buffalo Police Department are encouraged but not required to participate in the physical fitness program. A voluntary fitness and wellness program helps to ensure the following:

- Provides staff with incentive to reach and maintain a level of physical fitness that coincides with the requisite fitness to perform their duties.
- Recognizes that incorporating physical fitness activities into daily work schedules will decrease health risks and improve quality of life.
- Reduces the liability of the Buffalo Police Department and City of Buffalo by promoting a voluntary fitness and wellness program that controls risk and associated costs.

2-2-3 PROCEDURES

A. Voluntary participation in the fitness and wellness program requires the following:

1. Staff should understand that when participating in any exercise or exercise program, there is the possibility of physical injury. Prior to participation, staff should consult with a physician regarding risks associated with physical exercise.
2. Staff understands that participating in the fitness and wellness program is of secondary importance to assigned duties.

B. Participation in the fitness and wellness program will require the following:

1. Participating staff will be allowed to engage in fitness and wellness activities during their regularly scheduled shift when practical. Participating staff shall ensure their fitness and

wellness activities do not interfere with their assigned duties or place undue burden on other staff. When not practical, staff will be allowed to make use of flex scheduling to accommodate fitness and wellness activities.

2. Fitness and wellness activities completed during regularly scheduled shifts cannot exceed 3 hours per a 7 day period.
3. All fitness and wellness activities are to be recorded on the daily fitness and wellness log.
4. Staff wishing to flex their schedule to accommodate fitness and wellness activities will obtain permission from a supervisor.
5. All fitness and wellness activities as part of regularly scheduled shifts will be performed at the Buffalo Police Department with the exception of outdoor walking or running. This activity will be permitted when the starting and ending point is the Buffalo Police Department.

C. Supervisors shall ensure all personnel in their command are familiar with this procedure and are in compliance.

Effective: 12/07/2023	Reevaluation Date: FEBRUARY 2024

2-22 WEAPONS

2-2-1 PURPOSE

The purpose of this policy is to classify the use of Police weaponry, as it refers to those items authorized, the carrying thereof, allowable alterations to, and handguns authorized.

Officers are responsible for gaining and maintaining proficiency in the use of authorized weapons. Because the use of these weapons can have serious, and in some cases, irreversible consequences, it is essential that officers follow rigid standards.

2-2-2 POLICY

The public entrusts us with the authority necessary to protect them from physical harm and death. The Buffalo Police Department ensures proper training and guidance so officers are properly armed for welfare of the public and for their own safety.

2-2-3 PROCEDURES

2-2-4 FIREARMS MANAGEMENT

2-2-5 AUTHORIZATION TO CARRY

Officers may carry fully loaded, operative and safe firearms and ammunition authorized by the Chief of Police after:

- **Training** - The department trains officers on the correct use of force; and
- **Qualification** - Officers have met established proficiency requirements.
- **Non-Sworn Personnel** – Non-sworn personnel may not carry firearms while on-duty. Non-sworn personnel may carry a firearm in any other circumstance as authorized by law.

2-2-6 AUTHORIZED FIREARMS AND AMMUNITION

A. Authorized Handguns

1. All officers employed with the Buffalo Police Department will be issued a Glock 17, 9MM pistol for uniformed duty use.
2. Officers who normally or routinely work plain clothes or undercover duties may carry another firearm provided that they qualify with the weapon, and it is approved by the Chief of Police.
3. Permission to carry any weapon other than that listed in paragraph 1 or 2 must be approved in writing by the Chief of Police.

B. Personnel will carry and use authorized departmental handguns and ammunition only.

C. The weapon must be carried in a safe and secure manner.

D. Personnel may carry a second handgun as a back-up weapon provided;
   1. It is inspected by the department armorer or other departmentally approved armorer or gunsmith and it is deemed functionally safe to be put into service.
   2. The make, model and serial number are registered with the department firearms instructor.
   3. The officer qualifies with the handgun, a minimum of once a year, through a specially designed back-up handgun course of fire.
   4. Ammunition for qualification and for duty use is to be provided by the officer.
   5. If an officer has not fulfilled all portions of this section, that officer will be considered in violation of this section.
   6. All officers must have the permission of the Chief of Police to carry a second/back-up handgun.

E. Officers are authorized to be armed or unarmed off duty pursuant to Buffalo Police Department policy. Officers may carry a fully loaded firearm during off-duty hours, but officers must follow the same procedures for on-duty situations.

   Personal firearms must meet the police department specifications as authorized by Chief of Police. All the procedures, rules and regulations of this General Order apply to carrying personal firearms. Personal Firearms will be considered firearms not normally used on-duty.

   Officers may carry personal firearms providing:
   1. It is inspected by the department armorer or other departmentally approved armorer or gunsmith and it is deemed functionally safe to be put into service.
   2. The make, model and serial number are registered with the department firearms instructor.
   3. Ammunition for qualification and duty use are provided by the individual officer.

   In addition to the items listed above, the following rules also apply:

- **Certified Proficiency** - Officers must establish and maintain certified proficiency with the firearm carried. Register off-duty firearms as called for by law and the Police Department.
- **Firearms Qualification** - Officers must qualify on the range annually with all firearms carried.
- **Concealment** - Wear off-duty firearms hidden so they do not cause public concern.
- **Police Authority** - Officers have no police authority when outside this jurisdiction and off-duty. When in court, psychiatric wards, airports or aircraft, officers must abide the regulations of those agencies.
- **Non-sworn Employees** – Non-sworn employees shall not carry firearms except as authorized by law.

If an officer has not fulfilled all portions of this section, that officer will be considered in violation of this section.

F. The Chief of Police or designee shall approve or reject any modification, alteration or installation of any part (this includes night sights and pistol grips) in any authorized firearm prior to that firearm being utilized for service. Personnel shall not use firearms with actions altered unless approved by the Chief and the work is performed through an approved gunsmith, authorized by the Department.

G. All handguns being used by officers for on-duty purposes will be inspected annually by the department firearms instructor. This will be a cursory inspection to check for alterations and/or noticeable damage or operational concerns.

The department firearms instructor will make recommendations to the officer if additional repairs and/or parts are needed. The cost of parts or any advanced repairs for departmentally issued firearms will be the responsibility of the police department. Costs for parts or advanced repairs for personally owned firearms will be the responsibility of the officer. Inspections will be conducted during a regularly scheduled firearms qualification session.

2-2-7 AUTHORIZED LONG-GUNS

A. Only the rifles, and the associated ammunition issued by the Department, are to be utilized.

B. At the discretion of the officer, a round may be carried in the rifle chamber when the officer feels that there is an immediate danger to life or of great bodily harm.

C. Rifles in Police vehicles are to be transported with loaded magazines and unloaded chambers, in the rifle vault provided, or otherwise in a sheath or case when there is no vault available.
D. All rifles will be cleaned on an annual basis. The department armorer will set up a schedule for maintenance and will keep records of when the maintenance was performed.

2-2-8 FIREARMS QUALIFICATION NEEDED

Only officers meeting predetermined proficiency levels for on-duty and off-duty firearms and ammunition are authorized to carry these firearms.

2-2-9 FIREARMS TESTING

Testing includes side arms rifles, and other authorized firearms needed for special assignments or uniformed duty.

2-2-10 PROFICIENCY LEVEL

Officers must achieve a qualifying score for the spring qualification course. Acceptable proficiency levels for qualification are indicated before testing, including lowest possible score and course requirements.

2-2-11 TESTING

All sworn personnel must attend a scheduled firearms test at a specified time and date. The Chief of Police or designee, will assign officers to attend mandatory firearms testing.

- **Time of Test** - Firearms training may be scheduled during off duty times if staffing levels do not permit the training to be done during duty hours.
- **Rescheduling Test** - If officers miss the time established for officer certification, or are excused from officer scheduled date and time, officers must reschedule within two weeks of their scheduled test.
- **Inability to Test** - When officers are unable to attend scheduled firearms testing, officers must document the nature and extent of officer physical impairment. Officers:
  - must reschedule officer annual firearms test within two weeks unless documented the officer needs additional time; and
  - will not be assigned to any duty calling for a firearm if officers are physically unable to qualify.

- **Failure to Qualify** - If officers do not qualify after extra instruction or remedial course, the Chief of Police will review officer status as outlined in this policy. Officers are subject to involuntary reassignment, relief from duty, or dismissal from service.

2-2-12 FAILURE TO QUALIFY

A. Any officer failing to pass a course of fire will be required to:
   1. Complete a further training/coaching session with the instructor.
   2. Complete the course of fire and pass within thirty days.

B. If the officer fails the course a second time the Chief of Police will be notified by the instructor and the instructor will:
   1. Plan additional training for the officer.
   2. Have the officer complete the course of fire and pass.
   3. This instructor must schedule the additional training and provide at least two (2) additional opportunities for the officer to complete the course of fire before the next firearms training course.

C. In addition to a reasonable amount of on-duty time, an officer may need to practice on their own time, at their own expense, in order to qualify.

D. If an officer is unable to meet minimum qualification requirements after the remedial training and qualification opportunities as outlined in Section B above, the following will occur:
   1. The firearms instructor will submit a written report to the Chief of Police, including recommendations. The instructor will also provide a copy of the qualification course of fire and lesson plan for review.
   2. The officer will be assigned to non-enforcement duties while the matter is considered by the Chief of Police.

E. The Chief of Police will make a determination as to the next steps to be taken, which could include, but is not limited to the following:
   1. Disciplinary action up to and including termination for failure to meet job requirements;
   2. Providing additional training and opportunities for the officer to qualify;
   3. Requiring the officer to demonstrate additional training and practice on their own, prior to having another opportunity to qualify;
   4. Revision of the course of fire and qualification requirements.

2-2-13 NON-LETHAL WEAPONS

An Officer may use Non-Lethal Weapons only when reasonably necessary in the performance of the Officer's duties to carry out a lawful objective. The department supplies training for the use of Contact Weapons including TASERS and AIP's.

2-2-14 CONTACT WEAPONS

- **Using the Contact Weapon** - Follow training guidelines to use the contact weapon. Always apply the correct philosophy and technique if use is necessary.
- **Training and Certification** - Officers are not authorized to use the contact weapon until fully trained and certified.
- **Carrying** - Officers may carry authorized contact weapons at any time while on duty. No unauthorized contact weapons may be carried by any officer.

BUFFALO POLICE DEPARTMENT
PROCEDURAL ORDERS

Effective: 01/25/2019	Reevaluation Date: MARCH 2024

3-1 ARMED SUBJECTS

3-1-1 PURPOSE

The Buffalo Police Department is tasked with the responsibility of responding to calls for service and ensuring the safety of the public against those individuals who present a danger to the public, or give the appearance of such. Persons who are observed or found to be carrying a firearm in a public place, can create a fear in the public of an impending harmful act. This perception leads to a concern for one's personal safety, or the safety of others. This concern causes the public to summon the police to initiate contact with the person in question, to determine their intentions, and to determine the lawfulness of their behavior.

3-1-2 POLICY

The Buffalo Police Department recognizes that State and Federal laws allow for the carrying of firearms by a number of different individuals, including: hunters, law enforcement officers, retired law enforcement officers, and private citizens who possess a valid permit to carry a firearm. While the individual's behavior may be lawful, observation by a private citizen of another person carrying a firearm without an immediately apparent purpose, which creates a fear or concern for the safety of the private citizen of themselves or others, warrants a response and investigation by law enforcement.

It shall be the policy of this agency to respond to such circumstances, in an effort to determine the lawfulness of the behavior of the subject in question, and in order to ensure the safety and comfort of the citizenry.

3-1-3 PROCEDURES

3-1-4 ARMED SUBJECTS

When the police become aware, either by personal observation, or citizen report, of a person who is in a public place while armed with what is believed to be a firearm, the Officer shall treat this person as an Armed Subject. An Armed Subject has the potential to be a threat to the officer and/or the public. Officers who encounter Armed Subjects shall take appropriate steps

to investigate the circumstances, and should consider the person a possible threat, until it is determined otherwise.

3-1-5 PROCEDURES FOR ENCOUNTERS

A. Armed Subjects may or may not pose an immediate risk to Officers or the public. Officers who respond to calls involving an Armed Subject, or who otherwise encounter an Armed Subject, should consider that Armed Subjects may be categorized as:
    1. Armed Subject – Suspicious
    2. Armed Subject – Non-Suspicious
    3. Armed Subject - Unknown
B. Because Minnesota is a "Shall Issue" state, individuals have the right to carry a firearm on their person unless they are disqualified, or unless the proper signage is posted restricting them from doing so. Consequently, the mere possession of a firearm by a person does not necessarily indicate illegal or suspicious behavior. Therefore, Officers should use all available resources to determine the possible danger or suspicious nature of an Armed Subject, either during pre-arrival, or upon immediate arrival on the scene.
C. During an Armed Subject encounter, Officers should always exercise all appropriate and due care for the safety of themselves, the general public, and the Armed Subject.
D. In determining whether to classify an Armed Subject as "Suspicious," the Officer should consider the totality of the circumstances. This can include, but is not limited to the subject's location, time of day, behavior, body movements, dialog, manner of dress, use of alcohol and/or drugs, and the level of cooperation with Law Enforcement. While these criteria may not be illegal independently, they should be considered in the context of the circumstances, and should be guiding factors for the Officer's behavior.
E. When an Officer is dealing with an Armed Subject who has not been determined to be "Suspicious," the Officer should consider the likelihood that the person's actions and possession of the firearm may be legal, and the Officer's approach should reflect this. Without articulable information to suggest the person is "Suspicious," an escalated force response could be considered excessive.
F. The Officer must follow all Use of Force guidelines during the encounter.
G. The Officer must follow all State and Federal laws concerning search and seizure during the encounter.
H. The Officer should make every effort to obtain identification from the Armed Subject, and to determine whether or not they have a lawful purpose for possession of the firearm.
I. The Officer should proceed with appropriate charges in cases where a firearm is unlawfully possessed.

3-1-6 SEARCHES AND ARREST

When an Officer determines that an Armed Subject, or potentially Armed Subject is "Suspicious," it may be appropriate for the Officer to conduct a pat-down frisk, or to direct the

person to cooperate in some other fashion. The Officer may make a custodial arrest of the Armed Subject or potentially Armed Subject, for Obstruction of a Legal Process, for failure to cooperate with their demands, should circumstances exist that allow for a legal pat-down frisk, detention, or arrest. The Officer should be prepared to articulate his or her reasons for classifying the person as "Suspicious," or the other criteria that provided a basis for detention and/or arrest.

3-1-7 RELEASE OF INFORMATION

In many cases, following contact with an Armed Subject, the person who initiated the complaint will want to know the outcome of the encounter. Some laws concerning permits to carry are protected by data privacy. Officers may disclose the outcome of these encounters to the reporting party when requested, but should be certain not to violate any data privacy laws in the process. In cases of uncertainty, the Officer should refer the complainant to the administration division of the police department for further information.

3-1-7 EVIDENCE

If officers believe a person has used a firearm in a criminal offense, the firearm may be seized as evidence. If officers seize a firearm as evidence, it should be secured and placed into evidence based on applicable evidence policies.

3-1-8 OFFICER SAFETY

Nothing in this policy should be construed as to suggest that an Officer should take any action that would compromise the safety of the Officer, or the public.

Effective: 01/25/2019	Reevaluation Date: MARCH 2024

3-2 ARREST, SEARCH, AND SEIZURE

3-2-1 PURPOSE

It is our duty to identify and arrest suspects, obtain necessary evidence, and recover stolen property once a crime has been committed. We cannot measure dollar loss against broken bodies, ruined lives or human misery resulting from crime, but we can diligently strive to bring suspects to justice and minimize victims' property losses.

Laws, judicial interpretations and operational procedures regulating arrest, search and seizure are quite specific to protect individual rights. Officers cannot fulfill officer duties effectively without absolute compliance with legal requirements.

3-2-2 POLICY

The United States Constitution, Revised Statutes of Minnesota, and judicial interpretation define the laws of arrest, search and seizure to protect individual rights of all persons. The Buffalo Police Department uses legal justification and means for all arrests, searches and seizures.

3-2-3 PROCEDURES

3-2-4 LAWS OF ARREST

It is officer responsibility to learn and know the law of arrest. The law of arrest has its roots in the Fourth Amendment which requires that all arrests, searches and seizures be reasonable, the courts then construing what is reasonable. Act reasonably and within limits of officer authority in every case.

3-2-5 MAKING ARRESTS

Only sworn police officers shall make arrests or serve arrest warrants. Direct persons surrendering at the Police Department to an officer for arrest or to serve an arrest warrant. Use caution, planning and correct approach to help reduce dangers of making arrests.

3-2-6 ARREST PROCESS

Officers may arrest when officers have an arrest warrant, reasonable belief there is an outstanding arrest warrant, or probable cause to believe a crime has been or is being committed. Generally, arrest rules are found in State Revised Statutes; if in doubt, refer to them. It is unnecessary to apply actual physical force, or to touch the body, or even make a formal declaration of arrest if it is sufficient that arrestees understand they are arrested and submit to officer authority.

3-2-7 WARRANT ARREST REPORTING

When an Officer makes an arrest of a subject for a warrant, a Narrative Report may or may not be appropriate. If the Officer is already doing a report for the initial call or contact, this information can be contained within, and a new report is not necessary.

If the arrest involves a compliant individual, and the basis for the initial contact does not warrant a narrative report, the Officer may rely on a summary to document the incident, and note the information in the summary section. This should include:

-the reason for the contact; and
-whether or not they were cited; and
-what happened to their vehicle (if applicable); and
-what the warrant was for.

A copy of the warrant should also be attached to the Case Report. In cases where the contact is complicated, or where there is resistance offered by the subject, a full narrative report is required.

3-2-8 CRIMINAL CITATIONS

Circumstances may dictate that officers issue a citation (or Juvenile Offense Form) in lieu of physical arrest. If a citation is issued for a criminal matter, follow these established guidelines.

- If a citation is issued for a criminal matter of any kind, the officer should complete a BPD CASE REPORT Form and a Narrative Report should be included. All necessary and relevant paperwork should be attached to the report.

- Whenever possible, please complete and issue citations for charges at the time we are dealing with these individuals (Adult or Juvenile) so that we can avoid multiplying our efforts on these cases. Obviously, if officers are still in the

investigation stage, officers may end up mailing the citation at a later date. However, in cases where a charging decision has been made upon initial contact with the subject, the Citation should be issued immediately.

3-2-9 VERBAL DECLARATION

Even though not required, say the words, "officers are under arrest," or similar phrase. Officers may need to later show arrestees clearly understood they were under arrest.

3-2-10 PHYSICAL FORCE

Act reasonably and only use physical force officers reasonably believe necessary to protect officers and the public from bodily harm. Do not use excessive or unnecessary force for arrests.

3-2-11 ARREST WITHOUT WARRANT

Generally, officers may arrest without a warrant if officers act reasonably under the circumstances and if officers have probable cause to believe a suspect is committing or has committed a felony crime. However, officers must have a warrant, consent or exigent circumstances to arrest persons inside their home.

Generally, officers may not make an arrest for any non-felony, unless the offense is an exception to the warrant arrest requirement, and/or unless the offense was committed in officer presence. The department keeps a list of the offenses that fall under this section. It is the responsibility of the officer to know which crimes allow for non-warrant arrests.

3-2-12 RIGHTS OF ARRESTEE

Advise the arrestee of legal rights to communicate with an attorney and family members within a reasonable amount of time after confinement or as rights apply. Use the Miranda warning during the arrest process if officers intend to interrogate, or if the arrestee makes a self-incriminating spontaneous statement.

3-2-13 CHARGES OR WARRANT

Present arrestees with charges against them and serve them with arrest warrant during the booking process.

3-2-14 STATEMENTS

3-2-15 TYPES OF STATEMENTS

A. Handwritten Statements:

Statements of this nature from individuals generally lack quality and substance and do not provide adequate information concerning the offense or the elements of the crime. They also do not provide an opportunity for additional expansion of detail by the Officer, and often they are not filed in a timely manner. While there are situations where an Officer may wish to write out a statement with the individual, the process of having the individual write out a statement to be delivered at a later date is inefficient and should not be used.

B. Verbal Statements:

Verbal statements from individuals are very common and there is no reason to move away from this methodology entirely. However, when an Officer takes a verbal statement, *it is the responsibility of the Officer* to make sure that the content of the statement is adequately recorded in the police report.

C. Recorded Statements:

Recorded statements are the preferred method of recording statements from Victims, Suspects, and Witnesses (subject to the information provided herein). Again, it is the responsibility of the Officer to thoroughly document this information in the police report. Keep in mind that the squad video is not to be used as the sole method for taking recorded statements.

D. Phone Statements:

While in-person statements are preferred to phone statements, in many circumstances, for a variety of reasons, Officers may choose to take a statement over the phone, or they may simply choose to record a phone conversation for documentation purposes. These statements should be saved to the Incident file as immediately as practical, by the Officer responsible for the interview/statement. In order to conserve computer memory space, these files are to be converted to a compressed digital voice media format. Officers are responsible for following the outlined procedures for doing so.

E. Miranda:

All "in-custody" interrogations *require* that a Miranda Warning be given to the subject being questioned. However, Miranda is frequently over-used in situations where the subject is not "in-custody". If officers have a "non-custody" situation, officers should strongly consider using a "soft" Miranda. This involves advising the person that they aren't under arrest, they won't be under arrest, they don't have to talk to officers if they don't want to, and they are free to leave if they choose. (It's a bad idea to arrest a subject following an interview of this type, so if officers have an inclination that officers may arrest the person immediately following the interview, officers are probably better off using a full Miranda). Keep in mind that when the person is in-custody, officers MUST use the full Miranda warning. There are special rules that apply to interviewing juveniles, particularly those who are in school. If officers are unfamiliar with these rules and when Miranda attaches in the cases, officers should consult with a Supervisor or a Detective.

In addition to the above, the Supreme Court has ruled (Scales) that all "in-custody" interrogations *must* be recorded when *practical*. In short, based on the availability of our digital recorders, if the person is in-custody, officers need to record the conversation. This applies whether officers are at the Police Department, at the Jail, or in the field. While it is possible that officers could find be in a situation where officers do not have a recorder, or the unit malfunctions, officers will need to explain this in detail in their report, and the courts will no doubt look upon these situations with great scrutiny.

3-2-16 IDENTIFYING ARRESTEES

Officers do not need to use the Miranda warning to get identification of arrestees:

- Getting their name, address, place of employment, or other identification;
- Making a legal search of their person;
- Requesting handwriting samples;
- Taking fingerprints or photographs for booking.

3-2-17 WHEN TO TAKE STATEMENTS

A. Arrested Persons
    1. Except as outlined below, Officers should attempt to take a recorded statement from **all** arrested persons. These statements should be recorded in accordance with the Scales decision. In cases where the person refuses to be recorded but agrees to answer questions, an attempt should be made to take a written statement, or as a last resort, a verbal statement.
    2. In some situations, the taking of a statement may be impractical or unreasonable. Cases involving disorderly conduct observed by the Officer, Warrant Arrests, or incidents where the subject is incapacitated, may dictate that no statement should be taken. However, the Officer should be prepared to indicate in their report why a statement was not taken.

B. Suspects
    1. Person Crimes – Recorded statements will be taken from all suspects involved in person crimes. If the person refuses to be recorded, this information should be recorded in the Officer's report.
    2. In all other Felony cases where a viable suspect has been identified, a recorded statement should be obtained.
    3. In all other cases, the Officer should consider whether or not to tape the statement from the suspect. The Officer should consider:
        a. The severity of the crime.
        b. The viability of the suspect.
        c. Whether or not the suspect is likely to recant.
    4. When to Stop Questioning - Do not further question arrestees if they request the presence of their attorney or say they wish to remain silent.
    5. Admissible Statements - Courts may allow self-incriminating statements and confessions as legally admissible only when it can be shown that arrestees understood their rights and waived them freely, intelligently, knowingly and voluntarily.

C. Victims
    1. Person Crimes – Recorded statements will be taken from all victims of person crimes.
    2. In all other cases, the Officer should consider whether or not to tape the statement from the victim. The Officer should consider:
        a. The severity of the crime.
        b. The relationship of the victim to the suspect.

c. Whether or not the victim is likely to recant.

D. Witnesses
    1. Person Crimes – Recorded statements will be taken from all witnesses of person crimes.
    2. In all other cases, the Officer should consider whether or not to tape the statement from the witness. The Officer should consider:
        a. The severity of the crime.
        b. The relationship of the witness to the suspect and/or victim(s).
        c. Whether or not the witness is likely to recant.
        d. The accessibility for future contact with the Witness.

3-2-18 RECORDED STATEMENTS & EVIDENCE

Any time a statement or other conversation is recorded via telephone, cassette, videotape, or digital recorder, the Officer must determine if the recording is to be considered "evidence." If the recording is to be retained as evidence, each recording should be entered separately in the Media section, and noted in the police report. Note: Officers should always create a "new" recording on their digital recorder when creating another recording to allow for the separation of these items.

Attaching recordings to the Media segment:
Phone recordings or statements, or digital recordings or statements:
Recordings that are part of the case file are to be to be saved as evidence to the media section following this process:

- Import the recording to the media section and label it as follows:
  Statement.01.Name of Person (changing the statement number for each subsequent entry).
  Records
- Records will have the responsibility of purging the statements from the statement folder on the U – Drive.
- Go to each statement, listen to the statement and obtain the Incident number.
- Go to the Incident and verify the statement has been saved to the Media segment of the file.
- Delete the original statement.

3-2-19 VIDEO RECORDINGS AT CORRECTIONS

The Wright County Jail has the capability to create digital recordings of officer conversations and interactions with subjects at the Wright County Jail. While there may be circumstances where this methodology will be helpful, particularly for inmate interviews, the preferred method of recording subject statements will still be to use the digital recorder provided to the

Officer. If the Officer chooses to use the Corrections system for recording their encounter, the following procedures should be used:

A. The Officer is to fill out the Interview Log form provided by the jail. The original form is to be left at the jail. A copy of this form is to be retained by the Officer and filed with the Officer's paperwork.
B. The Officer must note in their report that the recording was created using the Corrections Video System.
C. The Officer will create an evidence entry and list the location of the evidence as WCSO.
D. The records department will create a tracking TASK for this evidence item.
E. Upon receipt of the video file, the Officer or the Evidence Technician will enter this item into evidence. An FRN supplemental report will be required.

3-2-20 SEARCHES OF PERSONS

3-2-21 VALID SEARCHES

When officers search a person, include authority to search in officer report. Officers have lawful authority to search persons in the following situations:

A. **Warrant** - Attach a copy of the warrant to officer report;
B. **Consent** - Attach completed consent to search form, signed by the arrestee, to officer report .
C. **Contemporaneous with Arrest** - Show each element of probable cause in officer report, that the search was contemporaneous with arrest, and that officers searched only the arrestee and his area of immediate control.

3-2-22 CRITERIA FOR BODY SEARCHES

Do not strip search or make a body cavity search of any person unless that person is arrested or detained for a felony offense, and there is probable cause to believe that person is concealing a weapon, evidence of a crime, or contraband. Consider the nature of the charge, prior arrest history, and other factors such as information gotten from an informant.

3-2-23 AUTHORIZATION FOR BODY SEARCHES

Officers of the Buffalo Police Department are authorized to conduct body searches in accordance with the law and in circumstances permitting such a search. Lawful body searches may be conducted by any officer upon any subject regardless of the sex of the officer and subject.

3-2-24 TYPES OF BODY SEARCHES

Body searches include, but are not limited to examinations conducted visually, manually, or by means of any physical instrument.

A. **Strip Search** - Removal or rearrangement of some or all clothing to permit an inspection of genitals, buttocks, anus, breasts or undergarments.
B. **Body Cavity Search** - Inspection of arrestee's anus or genitals.

3-2-25 PROHIBITED BODY SEARCHES

A. **Body Search** - Do not conduct a strip search or body cavity search on any arrestee for a traffic or misdemeanor offense without a duly executed search warrant.
   EXCEPTION: Officers have probable cause to believe that the arrestee is concealing a weapon, evidence of the commission of a crime, controlled substance, or contraband.
B. **Body Cavity Search** - Use medical personnel only to make a body cavity search.

3-2-26 PERSONNEL AUTHORIZED TO MAKE BODY SEARCHES

A. **Strip Search** - Strip searches shall be conducted by and in the presence of a law enforcement employee of the same sex as arrestee. If needed, use a second employee to assist searching an uncooperative prisoner.
B. **Body Cavity Search** - Use physicians or registered or practical nurses, licensed to practice in this state, to make body cavity searches under sanitary conditions.

3-2-27 LOCATION OF BODY SEARCHES

Make strip searches or body cavity searches on premises where the search cannot be seen by any person other than those physically conducting the search. If needed, employees of opposite sex should remain in the immediate vicinity, but not in view of the person being searched.

3-2-28 SEARCHES OF PROPERTY

3-2-29 PROPERTY SEARCHES WITH WARRANT

Execute search warrants as soon as practicable. If officers believe the search is likely to be, or should be, delayed, officers should postpone getting the warrant. List all items seized on the warrant return.

A. **Seizing Listed Items** - Officers may seize items listed on the search warrant.
B. **Seizing Contraband** - Officers may only seize contraband, such as narcotics and paraphernalia, explosives, and illegal weapons.
   NOTE: Officers may temporarily take custody of any weapon in plain view, whether or not it is lawfully possessed, if officers reasonably suspect that the weapon might be used against officers.
C. **Seizing Property from Another Crime** - If officers see property from another crime not named on the warrant in execution, get another search warrant listing the observed

items. Post an officer to prevent removal of the property during application for additional warrant.

D. **Copy of Warrant Service** - Leave a copy of the warrant with the person from whom the property is seized, or where items were seized if no one is present.

3-2-30 PROPERTY SEARCHES WITH CONSENT

Officers may ask a person in control of area to be searched to voluntarily consent to search. Do not coerce consent by threat or force or by claiming that officers could conduct the search even without consent. If officers request a consent search during a traffic stop, it is best to get a signed consent search form, prior to the search being conducted.

3-2-31 PROTECTIVE SWEEP

When officers make an arrest officers may search the area subject to immediate control of an arrestee without getting a warrant. The immediate area is within reach for a weapon, to escape, or attack officers or others.

A. **Physical Evidence** - Officers may seize any evidence of an offense officers find.
   EXAMPLES: Stolen items or instruments used for commission of a crime.
B. **Searching Method** - Officer search must be incidental to arrest and not extend beyond immediate area, conducted at time of arrest, and in presence of the arrestee.

3-2-32 BEYOND IMMEDIATE CONTROL

Generally, officers are required to get a search warrant for areas beyond immediate control of arrestee. These are important exceptions when officers have probable cause to believe seizable items are on the premises:

A. **Privacy Expectation** - When officers make an arrest at a location where arrestee has no reasonable expectation of privacy.
B. **Predictive Loss of Evidence** - When officers reasonably believe seizable items are in immediate danger of destruction, concealment, or removal. This immediate search without warrant may not exceed twenty minutes.
C. **Physical Danger** - When officers have just made an arrest, officers may make a prompt general inspection to determine if there are persons present who may present a physical danger to officers or other persons, or remove or destroy items while officers get a search warrant.

3-2-33 PLAIN VIEW SEIZURE

When lawfully in any place officers may, without obtaining a search warrant, seize any item in plain view if officers have probable cause to believe that the item is contraband, stolen, used in committing a crime, or other evidence of crime, and no further intrusion is necessary to make the seizure.

3-2-34 MOTOR VEHICLE STOPS

Court decisions related to searching areas subsequent to the arrest of a driver or vehicle passenger have severely limited this practice. Notwithstanding the direction provided here, it is important that officers are aware of the prevailing case law pertaining to this type of search and that officers follow the law appropriately.

In cases where there is a reason to believe that the suspect may be armed or a danger to the officer, the individual may be searched and if they may have access to the vehicle, the area that may be immediately accessible to them may also be searched. Additionally, the vehicle may be searched if there is probable cause to believe that the vehicle contains evidence of the crime related to the underlying offense involved in the arrest.

In any case where there is a question as to whether a search is authorized or reasonable, officers are encouraged to contact a supervisor for direction.

3-2-35 INVESTIGATIVE DETENTION (STOP AND FRISK)

Investigative detention is a seizure under the Fourth Amendment of the U.S. Constitution. Officers must have reasonable suspicion that a person is committing, has committed, or is about to commit a crime to make an investigative stop and frisk. Whether officer actions are reasonable or unreasonable always centers around the totality of the circumstances and the whole picture.

3-2-36 JUSTIFICATION TO STOP

Officers may briefly stop or detain persons on foot or in a vehicle if officers have specific and articulable reasonable suspicion. Identify yourself as a police officer. Officers may ask their names, addresses and an explanation of their actions, but do not compel them to answer. Draw upon these and other existing circumstances to determine reasonable suspicion:

- Street, neighborhood or area involved;
- Time of night or day;
- Proximity to a recent crime scene or high crime area;
- Person's gait, appearance, demeanor, actions;
- Any flight or evasive actions;
- Officer knowledge of the person's record, crime involvement, or violence;
- Any other suspicious persons present;
- Conversations overheard by officers;
- A wanted flyer or information from another jurisdiction;

- Information from a known, reliable informant or corroborated tips;
- Other personal observations, knowledge or experience.

3-2-37 JUSTIFICATION TO FRISK

Officers may pat down lawfully detained persons to discover weapons, and search areas of their vehicle accessible to them which may contain a weapon, if officers have specific and articulable reasonable suspicion that they are armed and dangerous. If an object feels like a weapon, remove it from the person's possession and examine it further. Draw upon these and other existing circumstances to determine reasonable suspicion:

- Strange bulges in the person's clothing;
- Drug trafficking;
- Proximity to a recent violent crime scene or high violent crime area;
- Person's gait, appearance, demeanor, actions;
- Flight or evasive actions;
- Officer knowledge of the person's record, crime involvement, or violence;
- Any other suspicious persons present;
- A wanted flyer or information from another jurisdiction;
- Information from a known, reliable informant or corroborated tips;
- Other personal observations, knowledge or experience.

NOTE: Officers cannot detain to merely look for physical evidence, do not frisk as a pretext to search for evidence.

3-2-38 MAKING AN ARREST

If officers find evidence of a crime by lawfully patting down a person or officers see contraband in plain view during a lawful investigative detention, officers have probable cause to arrest that person.

3-2-39 UNLAWFUL ARRESTS

Without probable cause lawful investigative detention may convert into an unlawful arrest if officers use unreasonable force to execute it, move the detainee away from the site of officer stop, or the detention lasts for an unreasonably long time.

A. **Reasonable Force** - Use only reasonable and necessary force for the existing circumstances (displaying firearm, wrestling suspect to the ground, etc.).
B. **Moving Detainee** - Do not move detainees to any other location unless officers discover probable cause and arrest them first.

C. **Duration of Stop** - While there is no rigid length of time in minutes, the consideration is the amount of time reasonably needed for the specific purpose of the stop.

3-2-40 DOCUMENT REASONABLE SUSPICION

If an investigative detention results in an arrest, carefully document that reasonable suspicion. List each of the specific circumstances that existed for the current situation. Using exactly the same list more than once (e.g., a profile list) may result in losing the case in court.

3-2-41 WARRANT PROCESS

3-2-42 GETTING ARREST WARRANTS

Follow State Revised Statutes making application for arrest warrants. Use these procedures to get a warrant issued for the arrest of a person:

A. **Preparing Arrest Warrants -** Type arrest warrants in duplicate. List all known information needed for the arrest and warrant.
B. **Presenting Arrest Warrants** - An officer who knows the circumstances surrounding request for an arrest warrant, or having a victim or complainant who can testify to such circumstances, shall appear before a judge with the arrest warrant and copies of the typed complaint. The officer or complainant shall properly sign copies of the complaint.
C. **Issuing Arrest Warrants** - The judge determines if there is probable cause. If so, the judge signs the original complaint document and arrest warrant, and sets a bond.

3-2-43 SERVING ARREST WARRANTS

The Police Department considers the service of outstanding arrest warrants as high priority. Quick action can increase the chance for police arrest.

3-2-44 OBTAINING SEARCH WARRANTS

Follow State Revised Statutes making application for search warrants. Use these procedures to get a warrant issued for a search:

A. **Preparing Search Warrants** - The written complaint must establish probable cause and contain all known information needed for the search warrant. When feasible, search warrants should be reviewed by a supervisor prior to being presented to the court for consideration. Supervisors may wish to have the warrant reviewed for probable cause by the prosecuting attorney prior to court submission as well.
B. **Presenting Search Warrants** - Present the search warrant and written complaint to a judge for determination.
C. **Issuing Search Warrants** - The court issues search warrants based on probable cause as determined by the judge. If the judge examines the search warrant and complaint and finds probable cause, the judge will issue the warrant.

3-2-45 SERVING SEARCH WARRANTS

If the Department cannot execute a search warrant, return it to the judge as not being executed. If the search warrant is executed, list items seized on a search warrant inventory form. Bring the inventory and search warrant to the court for filing and return. Turn over items seized to the property custodian and mark them as evidence for future presentation in court.

3-2-46 TIME OF EXECUTION

Officers may serve warrants as indicated by the determination of the court. Search warrants are valid for 10 business days from the date of reception. Return a search warrant to the issuing judge without service on expiration of the time limit.

3-2-47 SERVICE IN OTHER JURISDICTIONS

Officers may serve a warrant in another jurisdiction only when working on an active investigation, and then only with proper notification of the agency with jurisdiction. Direct communication to the agency with authority when the last known residency of a person named on a warrant is beyond our jurisdiction, and attach a copy of such notification to the warrant file.

3-2-48 WARRANT RECORDS

A. **Record of Attempts to Serve** - Document all attempts to serve warrants.

B. **Warrant Record** - Make a complete record of warrants, including:

- date, time and source of warrant;
- type of warrant;
- date, time and place execution began;
- all circumstances of entry;
- inventory of items seized;
- identities of all persons on search team and occupying search site;
- explanation of non service;
- case file (type of offense, source of information or complainant information), date service is due and court docket number.

C. **Property Records** - List all warrant-seized items on reports for introduction as evidence.

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Effective: 01/25/2019	Reevaluation Date: MARCH 2024

3-3 BLOODBORNE PATHOGENS

3-3-1 PURPOSE

The purpose of this directive is to develop a Control Plan that complies with OSHA requirements on exposure to blood-borne pathogens.

3-3-2 POLICY

To eliminate or minimize emergency responder exposure to blood and other potentially infectious body fluids.

The exposure control plan will be:

- Reviewed and updated annually and whenever necessary to reflect new or modified procedures, tasks, and/or new or revised employee positions.
- Made available to all emergency responders.

3-3-3 PROCEDURES

3-3-4 DEFINITIONS

A. **Contaminated**
Presence or reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

B. **Decontamination**
Use of physical or chemical means to remove, inactivate, or destroy blood-borne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface is rendered safe for handling, use or disposal.

C. **Engineering Controls**
Control (e.g. sharps disposal containers, self-sheathing needles) that isolate or remove the blood-borne pathogens hazard from the workplace.

D. **Exposure Incident**

A specific eye, mouth or other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties.

E. **Occupational Exposure**
Reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.

F. **Other Potentially Infectious Materials (OPIM)**
Semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids; and any unfixed tissue or organ (other than intact skin) from a human (living or dead).

G. **Parenteral**
Piercing mucous membranes or the skin barrier through such events as needle sticks, human bites, cuts and abrasions.

H. **Personal Protective Equipment (PPE)**
Specialized clothing or equipment worn by an employee for protection against a hazard. General work clothes (e.g., uniforms, pants, shirts or blouses) not intended to function as protection against a hazard are not considered to be personal protective equipment.

I. **Regulated Waste**
Liquid or semi-liquid blood/OPIM; contaminated items that would release blood/OPIM in a liquid or semi-liquid state if compressed; items that are caked with dried blood or OPIM and are capable of releasing these materials during handling

J. **Source Individual**
Any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to the emergency responder.

K. **Work Practice Controls**
Controls that reduce the likelihood of exposure by altering the manner in which a task is performed (e.g., prohibiting recapping of needles by a two-handed technique).

3-3-5 EXPOSURE DETERMINATION

WHO NEEDS TO BE INCLUDED: Any Emergency responder/Volunteer who may reasonably be anticipated to experience skin, eye, mucous membrane, or parenteral contact with blood/OPIM that may result from the performance of job duties. (Exposure determination shall be made without regard to the use of personal protective equipment.)

Job classification in which all employees in those classifications have occupational exposure:

A. Administrative Officers

B. All Sworn Police Personnel

List of tasks/procedures or closely related tasks/procedures in which occupational exposure occurs:

Tasks/Procedures	Performed by
Emergency responder Medical	Sworn Police Officer
Arrests/Searches/Seizures	Sworn Police Officer

3-3-6 IMPLEMENTATION OF EXPOSURE CONTROL PLAN

The Police Chief or designee is responsible for the overall schedule and method of implementation of the plan.

3-3-7 METHODS OF COMPLIANCE

A. Universal Precautions

Universal Precautions shall be observed at this facility to prevent contact with blood/OPIM. All human blood/OPIM shall be treated as if known to be infectious for HIV, HBV, and other blood borne pathogens.

Under circumstances in which differentiation between body fluid types is difficult or impossible, all body fluids shall be considered potentially infectious materials.

All emergency responders are responsible for practicing Universal Precautions.

B. Engineering/Work Practice Controls

The Police Chief or designee is responsible for scheduling and implementation of engineering/work practice controls.

Engineering and Work Practice Controls shall be used to eliminate or minimize exposure. Where occupational exposure remains after institution of these controls, personal protective equipment (PPE) shall also be used.

Engineering Controls shall be examined and maintained or replaced on a regular schedule to ensure their effectiveness.

1. Sharps Containers. Containers which are puncture resistant, labeled or color coded and leak proof shall be readily available and used for disposal and/or storage of sharps.

   Sharps containers shall be:

   - Closable

- puncture resistant
- located as close as is feasible to the area where sharps are used
- maintained in an upright position
- replaced routinely or when 2/3 full
- closed prior to removal or replacement
- placed in secondary container if leakage is possible

2. Handling of Sharps. Contaminated needles/sharps shall not be bent, removed, sheared or broken, and shall be discarded immediately (or as soon as possible) in an appropriate container after use.

   Contaminated re-useable sharps shall be placed in appropriate containers immediately (or as soon as possible) after use until reprocessed.

   Contaminated sharps at the scene should not be picked up with bare hand(s). Puncture resistant gloves or a forceps or other instrument should be used whenever possible and the sharps placed in an appropriate container.
3. Hand washing
   Hand washing facilities at the Police Station will be readily accessible to emergency responders.
   Hand washing consists of washing with soap and water by lathering the skin and vigorously rubbing together all lathered surfaces for at least 10 seconds, followed by thorough rinsing under running water.

   When provision of hand washing facilities is not feasible (e.g., at the scene), antiseptic hand cleanser with clean towels and/or antiseptic towelettes will be provided. (Hands shall be washed with soap and running water as soon as feasible.)

   Hands shall be washed immediately (or as soon as feasible) after:
   - contact with blood or OPIM
   - removal of gloves or other PPE

   Emergency responders shall wash other exposed skin surfaces with soap and water, or flush mucous membranes with water immediately (or as soon as feasible) after contact of such body areas with blood or OPIM.
4. Work Area

Eating, drinking, smoking, applying cosmetics or lip balm, and handling contact lenses are prohibited in work areas where there is a reasonable likelihood of occupational exposure. (Hand cream is permitted.)

Food and drink shall not be kept in refrigerators, freezers, shelves, cabinets or on countertops or bench tops where blood or OPIM are present.

5. Emergency Procedures
   All procedures involving blood or OPIM shall be performed in such a manner as to minimize splashing, spraying, spattering, and generation of droplets of these substances.

   Any open skin areas (e.g., rashes, cuts, etc.) on the arms or other exposed skin surfaces shall be covered prior to rendering emergency care. However, emergency responders with weeping dermatitis or draining wounds on the hand(s) should not provide first aid emergency services unless approved by a physician.

C. Personal Protective Equipment (PPE)

The Police Chief, or Designee is responsible for organizing the required Personal Protective Equipment:

The police department shall provide at least (at no cost to the First Responder) the following appropriate PPE:

- Single use latex and/or vinyl gloves
- Medical turnout gear
- Face shields and/or
- Masks and eye protection
- Ventilation devices (e.g., mouthpieces, resuscitation bags,
- Utility gloves)

PPE will be readily accessible and available in appropriate sizes.

PPE shall be cleaned, laundered, and disposed of as required by the standard. (Refer to section 4a. Housekeeping/Laundry)

PPE shall be repaired or replaced as needed to maintain its effectiveness at no cost to the Emergency responder.

PPE shall be removed prior to leaving the work area and shall be placed in the designated area/container for storage, washing, decontamination or disposal.

Garment(s) penetrated by blood or OPIM shall be removed immediately or (as soon as feasible).

PPE shall be used in all circumstances as specified in this section. The only exception is when the Emergency responder chooses temporarily and briefly to forego PPE use when it is his/her judgment that in the specific instance its use would prevent the delivery of health care or public safety services or would have posed an increased hazard to the safety of the worker or co-worker. These situations occur under rare and extraordinary circumstances and will be investigated and documented by the Police Chief, or his designee, to determine whether changes can be instituted to prevent future occurrences.

1. Disposable (Single Use) Gloves

   Shall be worn when it can be reasonably anticipated that there may be hand contact with blood or OPIM, mucous membranes, and/or non-intact skin; and when handling or touching contaminated items or surfaces.

   Disposable gloves shall:

   - be replaced as soon as practical when contaminated
   - be removed as soon as feasible if torn, punctured, or when their ability to function as a barrier is compromised.
   - not be reused

   Hypo-allergenic gloves, powderless gloves, glove liners or other similar alternatives

   shall be readily accessible to those who are allergic to the gloves normally provided.

2. Utility Gloves

   Shall be worn when cleaning/decontaminating equipment or the environment.

   Utility gloves shall:

   - be decontaminated for re-use if the integrity of the glove is not compromised
   - be discarded if they are cracked, peeling, torn punctured or exhibit other signs of deterioration or when their ability to function as a barrier is compromised.

3. Masks, Eye Protection, and Face Shields

   Masks in combination with eye protection devices, such as goggles or glasses with solid side shields, or chin-length face shields, shall be worn whenever

splashes, spray, spatter, or droplets of blood or OPIM may be generated and eye, nose, or mouth contamination can be reasonably anticipated.

4. Gowns, Aprons, and Other Protective Body Clothing
   Appropriate protective clothing shall be worn in occupational exposure situations. The type and characteristics will depend upon the task and degree of anticipated exposure.

D. Housekeeping/Laundry
   The Police Chief, or Designee is responsible for the schedule and implementation of housekeeping and laundry activities:

1. Cleaning and Disinfection (environment and equipment)

   The Police Station shall be maintained in a clean and sanitary condition and a written
   schedule for cleaning and decontamination shall be instituted based upon:

   - location within the facility
   - type of surface to be cleaned
   - type of soil present
   - tasks or procedures performed in the area

   All equipment, protective coverings, re-usable PPE, re-usable receptacles and environmental and working surfaces shall be cleaned and decontaminated after contact or suspected contact with blood or OPIM or as soon as feasible after contamination.

   Broken glass or contaminated re-usable sharps shall not be picked up with the hands. Mechanical means shall be used (e.g., brush and dust pan, tongs, or forceps).
   Decontamination shall be done with an EPA approved disinfectant which is appropriate for the surface or item. Surfaces or items should be cleaned and decontaminated wearing gloves and other appropriate personal protective equipment.

2. Laundry
   Contaminated laundry shall be handled as little as possible with a minimum of agitation. It shall be bagged or contained at the location it was used and shall not be sorted at the emergency site.

Contaminated laundry shall be transported to the Police Station or appropriate cleaning agency in color coded or labeled bags/containers unless the cleaning agency utilizes Universal Precautions. If laundry presents a reasonable likelihood of leakage it shall be placed in another leak proof bag/container.

Contaminated laundry cleaned at the Police Station will be washed in an area separate from the eating/drinking area. Gloves and other appropriate personal protective equipment shall be used during the cleaning process. Normal wash cycle and detergents will be used. Manufacturer's instructions for cleaning will be followed for turnout gear.

3. Regulated Waste

Regulated waste as defined by the standard includes only liquid or semi-liquid blood/OPIM; contaminated items that would release blood/OPIM in a liquid or semi-liquid state if compressed; and items that are caked with dried blood or OPIM and are capable of releasing these materials during handling; and contaminated sharps. Contained dressings or contaminated PPE which do not meet this definition can be disposed of by ordinary methods.

Contaminated Sharps: Refer to 94.4, section 2 A., 2a. "Sharps Containers"

Other Regulated Waste:
Shall be placed in containers which are:

- closeable
- constructed to contain all content and prevent leakage
- labeled or color-coded
- closed prior to removal
- Placed in a second leak proof container if the outside is contaminated

All regulated waste shall be disposed at a licensed facility (e.g., hospital receiving patient, regulated waste vendors). Properly packaged regulated waste from an emergency response call may be transported by ambulance to the hospital.

3-3-8 COMMUNICATION OF HAZARDS

A. Labels: The Police Chief, or Designee is responsible for setting up and maintaining a label program.
Biohazard warning labels shall be affixed to:

- containers of regulated waste (as defined)

- refrigerators/freezers containing blood/OPIM
- containers used to store, transport or ship blood or OPIM
- contaminated equipment; along with indications regarding which portions are contaminated

Biohazard warning labels shall be:

- fluorescent orange or orange-red (or predominantly so) with lettering or symbols in contrasting color
- affixed as close as feasible to the container by a method that prevents their loss or unintentional removal

Red bags or red containers may be substituted for labels.

(Containers of labeled blood, blood components or blood products which are released for transfusion/clinical use are exempted for the above requirements.)

B. Information and Training

The Police Chief, or Designee, is responsible for the scheduling and coordination of training.

Emergency responders with occupation exposure shall participate in a training program during work hours and at no cost. Training shall be provided as follows:

- At time of initial assignment to tasks where occupational exposure may take place
- At least annually thereafter
- When new tasks/procedures affect occupational exposure (content limited to exposures)

The training program material shall contain at the minimum the following:

- Accessible copy of the standard
- Epidemiology and symptoms of blood-borne diseases
- Modes of transmission of blood-borne pathogens
- Explanation of exposure control plan and the means by which a copy can be obtained
- Methods for recognizing tasks/activities that may involve exposure
- Use limitations of methods which prevent or reduce exposure
- Personal Protective Equipment
- Hepatitis B Vaccination
- Post exposure follow up actions, reporting and procedures
- Post exposure evaluation/medical follow up
- Labeling

The person(s) conducting training shall be knowledgeable in the above subject matter and provide opportunity for interactive questions and answers.

3-3-9 HEPATITIS B VACCINE

The Police Chief, or Designee, is responsible for coordinating the Hepatitis B Vaccine Program.

Emergency Public Service shall make Hepatitis B vaccine available as currently recommend by the U.S. Public Health Department to all occupationally exposed Emergency responders.

Vaccination will be given free of cost and at a reasonable time and place and performed by or under the supervision of a licensed physician or another licensed healthcare professional:

- after the required training
- within ten working days of initial assignment
- at a later date if initially declined

The vaccine is not necessary if the Emergency responder:

- Has already received the full series and/or
- Has laboratory evidence of immunity or
- Has medical reasons for which the vaccine in contraindicated

All emergency responders who choose not to receive the vaccination must sign the declination statement

3-3-10 POST EXPOSURE EVALUATION AND FOLLOW-UP

The Police Chief, or Designee is responsible for coordination of post exposure evaluation and follow-up program.

The Department's Designated Agent will be its Medical Advisor.

Confidential post exposure medical evaluation and follow up will be provided by or under the supervision of a licensed physician or by or under the supervision of another licensed healthcare professional according to current U.S. Public Health Service recommendations. Laboratory tests will be conducted by an accredited laboratory. All post exposure services shall be offered free of cost and at a reasonable time and place.

The Department Internal Exposure Incident reporting procedure is as follows:

- Any exposure incident shall be reported to the Police Chief or Designee as soon as possible.
- In the event that the Police Chief or Designee cannot be reached, then contact the Department's Medical Advisor.

Following report of an exposure incident, post exposure evaluation and follow up shall be made immediately available to the exposed emergency responder; and include at least the following elements:

- Documentation of the route(s) of exposure, and the circumstances under which the exposure incident occurred.
- Identification and documentation of the source individual, unless the employer can establish that identification is not feasible or prohibited by state or local law.

A. Source Testing

The source individual's blood shall be tested as soon as feasible and after consent is obtained to determine HBV/HIV infectivity. If consent cannot be obtained, the person responsible for coordination of the post exposure program shall establish that legally required consent cannot be obtained. When the source individual's consent is not required by law (e.g., if the source expired before being given the opportunity to consent, or it the source is incarcerated) the source individual's blood, if available, shall be tested and the results documented.

When the source individual is already known to be infected with HBV or HIV, testing need not be repeated.

Results of the source individual's testing shall be made available to the exposed emergency responder, and the designated agent of the fire department. The identity and infectious status of the source should remain confidential.

B. Exposed Testing

The exposed emergency responder's blood shall be collected as soon as feasible and tested for HBV and HIV serological status after consent is obtained.

If the exposed emergency responder consents to baseline blood collection, but does not give consent at that time for HIV testing, the sample shall be preserved for at least 90 days. If, within 90 days of the exposure incident, the employee elects to have the baseline sample tested, such testing shall be done as soon as feasible.

C. Post Exposure/Follow Up Care

Post exposure prophylaxis (when medically indicated), counseling and evaluation of reported illnesses shall be carried out based on current U.S. Public Health Service recommendations.

The following information will be provided to the evaluating healthcare professional:

- Copy of OSHA regulation
- Description of exposed emergency responder's duties relative to occupational exposure
- Documentation of the route and circumstances of exposure
- All medical records relevant to appropriate treatment (e.g., vaccination status)

The healthcare professional shall provide to the police department's designated agent a copy of the evaluating healthcare professional's written opinion within 15 days of the completion of the evaluation. A copy of the written opinion shall be given to the exposed emergency responder. The written opinion for past exposure evaluation and follow up shall be limited to the following information:

- Whether or not Hepatitis B vaccine is indicated; and if the employee has received such vaccine
- That the emergency responder has been told about any medical conditions resulting from exposure which require further evaluation or treatment

All other findings or diagnoses shall remain confidential and shall not be included in the written report.

3-3-11 RECORDKEEPING

The Police Chief, or Designee shall be responsible for assuring compliance with record keeping requirements.

A. Medical Records

The police department shall establish an accurate record for each emergency responder with occupational exposure. The records will include:

- Exposed emergency responder's name and social security number
- Hepatitis B vaccination status (including dates) and any records related to ability to receive the vaccine
- Copy of the healthcare professional's written opinion
- Copy of the information provided to the Healthcare Professional

The police department will assure the above medical records are kept confidential and will not report or disclose information without the express written consent of the exposed employee to any person within or outside the workplace except as required in

the standard or may be required by law. Medical records will be maintained for at least the duration of employment plus 30 years.

The healthcare professional shall maintain a record of all results of examinations, medical testing and follow up procedures of the exposed emergency responder for at least the duration's of employment plus 30 years

A. Training Records
The police department will maintain training records for at least three years from the date of which training occurred. The records will include the following information:

- Dates of training sessions
- Content or summary of the training session(s) Names

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3-4 CRITICAL INCIDENTS

3-4-1 PURPOSE

This policy establishes a framework and guidelines for responding to critical incidents involving members of this agency. The guidance and steps below are intended to supplement rather than replace regular agency practices. Accordingly, this policy identifies tasks and priorities that should be addressed, but does not provide detailed instructions as to the manner of completing them.

3-4-2 POLICY

This agency will respond to critical incidents in a manner that protects public safety, fosters trust in and accountability for law enforcement, and addresses the needs of personnel who have been exposed to threatening circumstances and acute stress. Because situations may vary significantly, personnel must exercise sound judgment in determining how and when to implement the procedures set forth in this policy.

3-4-3 DEFINITIONS

The following phrases have special meanings as used in this policy.

1. **Critical Incidents** include officer-involved shootings and other situations involving most or all of the following circumstances:
   - A law enforcement officer has used force or taken other actions.
   - The officer's actions resulted in death or serious injury to another.
   - A review of the officer's conduct for compliance with criminal laws is likely to occur regardless of whether there is a citizen complaint.
   - It is foreseeable that the event will result in at least some degree of media interest or public scrutiny toward the agency and officer.
   - The circumstances will warrant due consideration for the emotional health and well-being of the officers involved.
2. **Involved Officer** means an officer employed by this agency who used force or took other actions that resulted in death or serious injury to another.
3. **Uninvolved Officer** means an officer employed by this agency who may have participated in, witnessed, or responded to a critical incident, but who did not use force or take other actions that resulted in death or serious injury to another.
4. **Employing Agency** means the agency that employs one or more involved officers.
5. **Investigating Agency** means another law enforcement agency that will independently investigate the use of force or other circumstances that resulted in death or serious injury.

3-4-4 PROCEDURES

3-4-5 INDEPENDENT INVESTIGATION

The Buffalo Police Department will request an independent investigation whenever officers of this agency use deadly force or take other action that directly results in death or serious injury to another. For incidents occurring within the territorial jurisdiction of the City of Buffalo, the chief or chief's designee shall contact an Investigating Agency to request assistance. For incidents occurring outside the territorial jurisdiction, the chief or designee shall coordinate the request with the agency having jurisdiction over the place where the event occurred. This agency will provide all reasonable cooperation and assistance to the Investigating Agency.

3-4-6 IMMEDIATE PRIORITIES

Because situations may vary significantly, officers on the scene or who arrive there in the immediate aftermath of an incident must exercise professional judgment to determine the order in which to address potentially competing priorities. Involved Officers, until relieved, and Uninvolved Officers shall take appropriate actions to:

1. Summon emergency medical care for and provide first aid to any individuals with serious injuries or medical conditions.
2. Summon appropriate resources to the scene.
3. Protect the public against any risks posed by ongoing hazards or dangerous people at large.
4. Obtain and broadcast information to aid in the apprehension of any dangerous suspects.
5. Notify command staff and agency leaders of the incident.

3-4-7 ESTABLSIHING ON-SCENE COMMAND AND CONTROL

As soon as practicable, an appropriate officer or supervisor should identify himself or herself as the Incident Commander, who will have charge over other personnel at the scene and will be responsible for assuring that appropriate personnel and resources are directed to the highest priorities.

1. The most senior uninvolved officer at the scene when the incident occurs will be the Incident Commander until relieved by higher authority.
2. The Incident Commander shall identify himself or herself over the radio to dispatch and others. Any officer or supervisor assuming command of the incident thereafter shall identify himself or herself over the radio to dispatch and others.
3. Officers may, by quick consensus, designate a more experienced or more suitably trained officer at the scene to serve as the Incident Commander.

3-4-8 INCIDENT MANAGEMENT ACTIVITIES

Although the Investigating Agency will likely respond to the scene, immediate steps may still be necessary to protect public safety and to prevent the loss or destruction of evidence. Accordingly, the Incident Commander shall determine which of the following tasks are of the highest priority and shall assign appropriate personnel to address them:

1. Promptly identify Involved and Uninvolved officers and, to the extent feasible, relieve Involved Officers of active participation in any ongoing scene management and law enforcement

activities. Uninvolved Officers who witnessed or participated in the event should be assessed to determine if they are capable of assisting with further law enforcement efforts.

2. Consider and, if necessary, obtain Public Safety Statements from the Involved Officers, using the form attached hereto as Appendix A. A Public Safety Statement may not be necessary if there are other sources that can provide the required information.
3. Identify witnesses and the evidence they possess, and obtain immediate statements from witnesses only if there is reason to believe the witness will be unwilling or unable to be interviewed or provide an accurate account later.
4. Establish one or more perimeters to control the scene and restrict access, and keep a log of personnel entering and exiting the perimeter.
5. Safeguard physical evidence that could become lost or degraded before the scene is methodically processed.
6. Prevent electronic evidence stored in body-worn cameras and in-car camera systems from being overwritten by deactivating any systems left in "record" mode.
7. Notify and secure assistance from any outside criminal Investigating Agency that will be utilized; obtain that agency's estimated time of arrival at the scene; and coordinate with that agency as to any immediate steps that should be taken.
8. Preserve the evidentiary value of weapons that officers have used or fired during the event, and issue replacement weapons for any that have been collected as evidence unless otherwise indicated.
9. Assign a liaison to work with the Investigating Agency.
10. Assign a "Care Officer" to each Involved Officer. The duties of the Care Officer will include removing the Involved Officer from the scene to an appropriate location, and providing reasonable assistance to meet the Involved Officer's basic needs following the incident. The Care Officer may also be asked to verify that the Involved Officer committed to his or her care had no contact with other Involved Officers or witnesses from the time of the Care Officer's assignment until the time the Involved Officer is released from duty. There is generally no legal privilege for communications between Care Officers and Involved Officers. A list of potential additional duties of Care Officers is attached hereto as Appendix B. It may also be appropriate, depending on the individual's status, to assign a Care Officer to any Uninvolved Officers who participated in or witnessed the event and were traumatized by it.
11. Provide for or coordinate the appropriate notification to the families or survivors of any individuals killed or seriously injured during the incident.
12. Consider the advisability of providing public information about the event.

3-4-9 INVOLVED OFFICERS

Involved Officers shall:

1. Refrain from assisting with any ongoing law enforcement or scene management activities as soon as adequate uninvolved personnel are available at the scene.
2. Preserve the integrity of physical evidence such as blood, fingerprints, and other biologics on the officer's person, clothing, and equipment until it is collected.
3. Remain in the company of the officer's assigned Care Officer or at the location designated until relieved from duty.
4. Not discuss the incident with others who were involved in or witnessed the incident, or with other employees of this agency, until the criminal and administrative review processes have been completed. This section shall not be construed, however, to prohibit officers from

discussing the incident with the officer's attorney, psychologist or licensed social worker, clergy member, or spouse.

3-4-10 RIGHTS OF INVOLVED OFFICERS

Nothing in this policy shall be construed as limiting or depriving Involved Officers of their rights to remain silent and to consult with an attorney prior to giving any statements or making any reports that could be used against the officer in a criminal proceeding.

1. Involved Officers shall not be subject to employment-based drug or alcohol testing unless based on reasonable suspicion and conducted pursuant to the city's drug and alcohol testing policy. As a matter of course, investigators conducting the criminal review may ask Involved Officers to voluntarily provide samples for blood and alcohol testing as part of the criminal investigation. This agency will not penalize the refusal to voluntarily participate in such testing. Personnel from this agency may assist Involved Officers in voluntarily supplying the requested samples, such as by providing transportation to a hospital or clinic, or witnessing the collection of the sample.

3-4-11 WRITTEN REPORTS

Officers who were involved in or witnessed a critical incident shall not be required to prepare a written report concerning the incident unless specifically directed to do so.

3-4-12 ADMINISTRATIVE LEAVE

Each involved officer shall be provided with reasonable administrative leave following an officer-involved shooting or officer-involved critical incident.

3-4-13 CRITICAL INCIDENT STRESS DEBRIEFING AND PSYCHOLOGICAL SERVICES

1. The chief or chief's designee may schedule a critical incident stress debriefing session following the incident for Uninvolved Officers, uninvolved support personnel such as dispatchers and Community Service Officers (CSOs), and other personnel impacted by the incident. Authorized attendees may use work time or be compensated for attending the session. The sessions shall be conducted in private and closed to the public and nonparticipants. Personnel who participate in the debriefing shall not disclose any information or opinions acquired as a result of the session.
2. Officers facing criminal review or the prospect of civil liability shall not participate in group debriefing sessions or peer-to-peer counseling, but instead may be referred to individual counseling with a licensed psychologist or licensed social worker.
3. Officers involved in a critical incident and other impacted personnel shall, upon direction from the chief or chief's designee, attend one or more confidential meetings with a licensed psychologist or licensed social worker. The city will pay for the cost of such services. The meeting shall be confidential between the officer and the mental health professional. Should a fitness-for-duty evaluation be required, it shall be conducted by a separate mental health professional and with an appropriate release to allow the examiner to provide information to the city.

3-4-14 FIREARM DISCHARGE REPORT

The chief shall, within 30 days of the incident, complete and submit the firearms discharge report required by Minn. Stat. § 626.553, subd. 2.

3-4-15 STATEMENTS FROM INVOLVED OFFICERS

1. Because the criminal investigatory interviews of Involved Officers are conducted on a voluntary basis, the time and place of such interviews is a matter to be worked out between the Involved Officers, their attorneys, and the criminal investigators assigned to the matter. To the extent that this agency is requested to assist in scheduling or facilitating such interviews, the following guidelines shall apply:
    A. The rights of officers to take time for rest and recovery from the incident before giving a statement for criminal investigatory purposes shall be respected. Current published recommendations call for providing officers some amount of time for recovery and rest prior to providing a full statement about the event, in the range of 48 hours.
    B. Officers should be given a choice as to the location of the interview, and should not be interviewed in places where criminal suspects are typically interrogated.

2. The Buffalo Police Department recognizes that video and audio recordings from an event will likely contain more information than officers could perceive or take into account at the time of taking action, and there will therefore likely be differences between officers' recollection of events and what is captured by a digital recording device. Unless directed otherwise by the chief or chief's designee, the agency will utilize the following procedures in an effort to assure that digital evidence is fairly used and considered in the course of investigations into critical incidents:
    A. The Buffalo Police Departments video and audio recordings of an event will not be made available to an officer for review prior to the officer's statement to investigators.

    B. The Buffalo Police Department expects that digital recordings will be used in a fair manner and to arrive at an accurate understanding of the incident and the officer's actions, based on what was known to the officer at the time of acting. This agency will utilize the following procedures, and communicate these procedures to any outside Investigating Agency:
        1. The officer will be reminded at the outset of the interview that differences between digital recordings and the officer's memory are to be expected;
        2. The officer, together with the officer's attorney, will be provided with an opportunity to review and reflect on relevant digital recordings before the interview has been concluded; and
        3. The officer will be provided with a fair opportunity to address any additional issues or concerns that arise from consideration of the digital evidence.

    C. This policy does not govern officers' review or use of digital evidence in matters other than critical incidents, such as in the course of preparing reports in arrest situations.

3-4-16 AGENCY ADMINISTRATIVE REVIEW

1. This agency will review all critical incidents to determine whether the force used or actions taken by officers were in compliance with governing law, agency policy, and agency training. The timing of this review will be determined on a case-by-case basis, and the review will encompass an examination of all relevant evidence.
2. If the results of the review establish there was no misconduct, the results of this determination shall be documented and the matter closed.
3. If the results of the review conclusively establish that misconduct occurred, then the chief or chief's designee shall determine appropriate remedial or disciplinary action and document the findings, and the matter shall then be closed. The provisions of this policy do not abridge the rights of officers to challenge or appeal any disciplinary action under the collective bargaining agreement or other applicable procedures.
4. If the results of the review suggest that misconduct may have occurred, then an administrative investigation shall be conducted consistently with the Peace Officer Discipline Procedures Act.

City of Buffalo, Minnesota

Critical Incident Response Policy

Appendix A: Public Safety Statement Questionnaire

The initial on-scene supervisor or Incident Commander may use the following questions to obtain immediate information about ongoing life and safety issues after a critical incident:

Date of Incident: _____ Time of Statement: _____

Name of Officer: _____

"Officer, due to the potential need to take immediate action to protect life and public safety, I am requesting you to provide the following information":

1. Are there any persons injured who have not yet received medical attention and, if so, where are they?

2. Did any suspects leave the scene?
   - Please provide identifying information and their direction and mode of travel.
   - Were any of the suspects armed and, if so, with what type of weapon?
   - How long has it been since the suspect left?

3. Are there any other hazards or conditions that pose a threat to public safety?

4. Please indicate the direction and likely impact areas of:
   - Any rounds fired by officers.
   - Any rounds fired by suspects (to enable a search for any others who may have been injured).

City of Buffalo, Minnesota

Critical Incident Response Policy

Appendix B: Duties of Care Officers

Instructions to Care Officer:

The duties of the Care Officer are not fixed and certain, and may vary depending on the circumstances. The Care Officer should be encouraged to seek guidance and clarification from agency leadership if in doubt as to the appropriate scope of duties. You should consider your communications with Involved Officers to not be legally privileged. You may be asked to verify that the officer committed to your care did not have any communications with other Involved Officers or witnesses from the time you were given this assignment until the officer is released from duty.

In the immediate aftermath:

- Providing the officer with transportation away from the scene to the police station or law enforcement center, or another appropriate location. The officer being transported should not be placed in the back seat or in any other prisoner transport area, both for the well-being of the officer and to avoid a misperception that the officer has been taken into custody. If the officer is transported to a hospital or medical facility, the Care Officer will accompany and remain with the involved officer until properly relieved.
- Addressing the involved officer's basic physical needs, such as access to a restroom and access to medications, food, and hydration.
- Ensuring that the officer has an appropriate place to wait following the incident, being mindful that some officers may prefer a private setting while others might find isolation to be distressing. Officers should not be directed to wait in places where criminal suspects are detained, or in places that are used for the administration of discipline.
- Assisting the officer with immediate communication needs, such as contacting family members, spiritual advisors, legal counsel, and union representatives.
- Picking up or delivering replacement clothing if the officer's own garments will be collected as evidence.
- Meeting reasonable needs for transportation.
- Assisting the officer in dealing with interruptions to his or her abilities to meet scheduled parenting, familial, or other obligations.

During any period of administrative leave:

- Maintaining contact with the officer to help him or her stay abreast of developments within the agency.
- If appropriate, conveying any messages on behalf of the department's leadership.

City of Buffalo, Minnesota

Critical Incident Response Policy

Appendix C: Incident Management Checklist

Immediate Priorities:

- ☐ Summon care for/provide care to those with serious injuries.
- ☐ Summon appropriate resources to the scene.
- ☐ Protect the public against any risks posed by ongoing hazards or dangerous people.
- ☐ Broadcast suspect information.
- ☐ Notify command staff/agency leadership.
- ☐ Implement incident command.

Incident Management Activities:

- ☐ Identify Involved Officers, and Uninvolved Officers incapable of performing, and relieve from further duty.

- [ ] Consider and, if necessary, obtain Public Safety Statements.
- [ ] Identify witnesses and the evidence they possess; take statements only if necessary.
- [ ] Establish one or more perimeters; keep a log of those entering and exiting.
- [ ] Safeguard physical evidence to prevent loss or degradation before scene is processed.
- [ ] Prevent body-cam and dash-cam recordings of the event from being overwritten.
- [ ] Secure assistance from and coordinate with the Investigating Agency; obtain ETA.
- [ ] Preserve the evidentiary value of police weapons; issue replacement weapons.
- [ ] Assign a liaison to work with investigating agency.
- [ ] Assign a Care Officer to Involved Officers and, if necessary, to others relieved of duty.
- [ ] Provide for or coordinate notifications of death or serious injury.
- [ ] Consider the advisability of providing public information about the event.

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3-5 DECEASED PERSONS

3-5-1 PURPOSE

Due to the finality of such situations it is imperative that our response to death scenes be consistent, effective and thorough. It is imperative that our response is timely and that all relevant information and potential evidence is properly collected, while at the same time, being mindful of the dignity of the deceased and the needs of his/her survivors.

3-5-2 POLICY

The Department shall, in cooperation with the County Coroner/Medical Examiner, thoroughly and diligently investigate and document death scenes, except those that are excluded by state law.

3-5-3 PROCEDURES

3-5-4 ROLE OF CORONER/MEDICAL EXAMINER

Under Minnesota Statute 2004, section 390.11, the medical examiner or medical examiner shall be notified of all deaths that are sudden or unexpected or due in part or whole to any factor other than a natural disease process. Reportable deaths under this statute are as follows:

A. Unnatural deaths, including violent deaths arising from homicide, suicide or accident;
B. Deaths due to a fire or associated with burns or chemical, electrical, or radiation injury;
C. Unexplained or unexpected perinatal and postpartum maternal deaths;
D. Deaths under suspicious, unusual, or unexpected circumstances;
E. Deaths of persons whose bodies are to be cremated or otherwise disposed of so that they will later be unavailable for examination;
F. Deaths of inmates of public institutions and persons in custody of law enforcement officers who have not been hospitalized primarily for organic disease;
G. Deaths that occur during in association with, or as the result of diagnostic, therapeutic or anesthetic procedures;
H. Deaths due to culpable neglect;
I. Stillbirths of 20 weeks or longer gestation unattended by a physician;
J. Sudden deaths of persons not affected by recognizable disease;
K. Unexpected deaths of persons notwithstanding a history of underlying disease;

L. Deaths in which a fracture of a major bone such as a femur, humerus or tibia has occurred within the past six months;
M. Deaths unattended by a physician occurring outside of a licensed health care or licensed residential hospice program;
N. Deaths of persons not seen by their physicians within 120 days of their demise;
O. Deaths of persons occurring in the emergency department
P. Stillbirths or deaths of newborn infants in which there has been maternal use or exposure to un-prescribed controlled substances including street drugs or in which there is a history or evidence of maternal trauma;
Q. Unexpected deaths of children;
R. Solid organ donors;
S. Unidentified bodies;
T. Skeletonized remains;
U. Deaths occurring within 24 hours of arrival at a health care facility if death is unexpected;
V. Deaths associated with the decedent's employment;
W. Deaths of nonregistered hospice patients or patients in non-licensed hospice programs;
X. Deaths attributable to acts of terrorism.

Further under this statute, the medical examiner or medical examiner of the county in which a person dies or is pronounced dead shall have jurisdiction over the death. The medical examiner or medical examiner shall determine the extent of the coroner's or medical examiner's investigation, including whether additional investigation is needed by the coroner or medical examiner, jurisdiction is assumed, or an autopsy will be performed. If the medical examiner is notified of a death prior to or in place of law enforcement being notified, the medical examiner will make a determination as to whether or not law enforcement needs to be notified.

3-5-5 RESPONSE AND DEATH SCENE MANAGEMENT

A. Upon notification of a deceased or possibly deceased person at least one officer shall respond immediately to the designated location. When arriving in the area officers should pay close attention to the environment for officer safety reasons and to watch for potential witnesses and/or evidence. The first officer to arrive shall take responsibility for the scene until he/she is relieved of that responsibility by a supervisor. All death scenes should be treated as crime scenes until a determination has been made to the contrary.
B. Exceptions : If a death occurs within a licensed health care facility or a licensed hospice care facility, we will not respond to the scene, unless the death is reportable as outlined above. Within these facilities, it is irrelevant if the patient is registered as hospice or if they are not. Unless the death meets one of the other criteria listed above, the death is not reportable and we will not respond unless requested by the facility or the medical examiner's office. If an officer receives notification of a death at a health care facility,

which does not require a response, the officer should complete a summary in RMS documenting that information, including any victim information provided. If no other information regarding the victim is provided, the officer is not required to obtain this information.

3-5-6 PRIMARY RESPONSIBILITY

A. Render first aid and attempt recitation if warranted under the circumstances
B. Attend to any other injured persons and maintain scene safety
C. Apprehend suspects and/or initiate actions to help assure the arrest of any suspect fleeing the scene if applicable

3-5-7 PROTECTING CRIME SCENE AND EVIDENCE

A. Request additional personnel as needed
B. Establish a crime scene perimeter and remove all unauthorized persons
C. Arrange for Wright County Communications to contact the medical examiner if the death is reportable under Statute 390.11 (When in doubt notify the medical examiner)
D. Notify a supervisor as soon as practical.
E. Start and maintain a log of all people present and as they arrive. This responsibility may be delegated to assisting personnel.

3-5-8 VICTIM INFORMATION

The following information should be gathered about the victim.

A. Full name and date of birth
B. Home address and telephone numbers
C. Next of kin and/or other people living in the household
D. Name and location of primary doctor and/or health care facility
E. Medical history including medications
F. Place of employment
G. When was the victim last seen and by who
H. Who had last contact with victim and when was it

3-5-9 WITNESS OR SUSPECT INFORMATION

Gather the following information of any witness:

A. Full name and date of birth
B. Home address and phone number
    - Alternative Address procedures: In cases where a mandatory reporter or officer of the court (including judges, law enforcement officials, attorneys, etc.) is a witness or reporting party, arising out of the scope and course of their employment, a work address and work phone number may be used in lieu of the person's home address and phone number. If the incident is of a personal

nature, as opposed to a professional one, the person's home address and phone number should be used.

C. Work and/or cell phone numbers
D. Relationship to victim
E. Level of involvement or contact
F. Any relevant vehicle information

3-5-10 GATHERING EVIDENCE AND SCENE PROCESSING

Unless relieved by a supervisor or detective, the primary officer is responsible for processing the scene and gathering evidence in cooperation with the medical examiner. If a detective is present he/she will take on this responsibility.

A. Only a cursory examination of the body and scene should take place prior to the arrival of the medical examiner.
B. Initial photographs should be taken of the body and the surrounding area as soon as practical after the scene is adequately secured. The body should not be moved however until the medical examiner is on the scene. After the medical examiner has had the opportunity to examine the body it may be moved and additional photographs taken.
C. Placement of the body and its condition should be documented in detail
D. The home or environment should also be thoroughly documented to include the overall order, temperature, and condition.
E. Specific notations should be made of anything that seems out of the ordinary or that which may be relevant to the event.
F. Detailed documentation of the condition of the body is critical and should include skin color, presence or absence of lividity and/or rigor mortis, any signs of trauma and position when found.
G. Documents, such as a driver's license, that may aid in identifying the deceased should be located and presented to the medical examiner.
H. Any medications and/or illicit drugs found in the residence should be photographed and given to the medical examiner
I. The presence of any food, drink, vomit, or body fluids found in proximity should be documented, photographed and pointed out to the medical examiner.
J. Officers should take care to avoid contact with body fluids and other potential contaminants.
K. Any items gathered as evidence should be handled carefully with gloved hands and packaged in clean suitable containers. Items stained with blood or other fluids should be packaged in paper bags to allow for drying. All items seized should be packaged, labeled and placed into evidence following the established Department procedures.
L. Any items given to the medical examiner should be documented as such in the narrative report.
M. Checking mail and/or paper delivery may help establish time of death.
N. Contents of the refrigerator and kitchen cupboards should be examined to help determine if the deceased had proper access to nourishment.

O. When dealing with elderly, children or physically challenged victims be mindful of signs of neglect such as bedsores, dirty conditions, and lack of food and water.
P. Record interviews with witnesses

3-5-11 DEATHS WITH NO MEDICAL EXAMINER RESPONSE

If we receive notice of a non-suspicious death that is reportable to the medical examiner but the medical examiner chooses not to respond, we should respond to the location and follow our investigative procedures as outlined in this section, at a minimum to include the following:

A. Photograph the body and scene
B. Contact a supervisor
C. Report any suspicious or unusual findings to the medical examiner
D. Follow the instructions of the medical examiner regarding release of the body to a funeral home.
E. Interview any witnesses
F. Complete a detailed report on officer observations
G. Include the victim and witness information as previously outlined

3-5-12 HOSPICE DEATHS

A hospice death is one that is expected due to the health condition of the victim. There are deaths that may be classified as a registered hospice and as an unregistered hospice. If the death is an unregistered hospice death occurring outside of a health care facility or licensed hospice facility, and the medical examiner chooses not to respond, proceed as outlined in section above.

If the death is a registered hospice no response is required. In these cases the condition of the victim was such that a physician believed their death to be imminent and paperwork was completed to document this.

A. Registered hospice patients may be released directly to a funeral home
B. When the police department is notified, a summary in RMS should be completed to document the death
C. Include the full name and date of birth of the patient
D. Obtain a copy of the hospice paperwork from dispatch to include with the report.

3-5-13 AUTOPSIES

Whether an autopsy is performed is at the sole discretion of the medical examiner. Whenever practical a detective or an investigating officer shall attend an autopsy related to a suicide, homicide or suspicious death.

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3-6 DEPARTMENT VEHICLE OPERATION

3-6-1 PURPOSE

Employees have a responsibility to operate department vehicles in a legal, safe and courteous manner. Acceptable vehicle operation involves adherence to standards of fleet maintenance, regular inspections, and defensive driving. Officers are at great risk of injury or liability when driving routine patrol under various road and traffic conditions.

Their responsibilities are especially great during emergency field responses or pursuits of fleeing suspects. Some pursuits are necessary, even unavoidable, when serious crimes take place. Officers must always keep in mind that many high-speed pursuits end in accidents, injury or death.

3-6-2 POLICY

Vehicle operations should help ensure employee and public safety, minimize needless expenses, and increase efficiency. Safety is first. Employees share responsibility for their own safety and for other motorists whenever they operate any Buffalo Police Department vehicle. Officers should respond to emergency calls quickly, but with regard for the safety of lives and property.

3-6-3 PROCEDURES

3-6-4 INSPECTION OF VEHICLES

Inspect your assigned vehicle at the beginning of your tour of duty. Look for visible damage and check to see that all assigned equipment is in the vehicle and in good working order. Tires, lights, brakes, fluid levels, seat belts, and other safety equipment are essential to safe vehicle operation.

Inspect for visible damage to the exterior and interior of the vehicle and report any previously unreported damage to a supervisor.

Check for contraband and weapons that prisoners might have left in the car.

3-6-5 ROUTINE RESPONSE TO CALLS FOR SERVICE

All calls for service and other incidents are presumed to be routine unless designated as an emergency by you or the nature of the call, a supervisor, or the Chief of Police.

- **Parking Police Vehicles** - When you must park contrary to traffic laws to conduct public business, and while protecting traffic accidents, crime scenes or stopped vehicles, use emergency lights or flashing hazard lights as needed for safety.
- **Stopping Vehicles** - When necessary to violate traffic laws to stop vehicles, follow the guidelines as established by statute and this policy.
- **Lighting Exemption –** State Statute 169.541 provides an exemption for law enforcement vehicles, related to vehicle lighting required under sections 84.87, 84.928, 86B.511, and 169.48 to 169.65. An officer may operate a vehicle contrary to the aforementioned statutes when the officer believes that operating the vehicle without lights is necessary under the circumstances to investigate a criminal violation or suspected criminal violation of state laws, rules, or orders or local laws, ordinances, or regulations.

3-6-6 EMERGENCY RESPONSE TO CALLS FOR SERVICE

A. Except as otherwise indicated in this section, Peace Officers or Community Service Officers may make an emergency response when conditions exist, or are believed to exist that have resulted or may lead to serious injury, death or disastrous affect on the community. Officers are authorized by statute to violate certain traffic laws when operating an emergency vehicle. Except as otherwise noted, it is the policy of this department to follow statutory language for operation of an emergency vehicle as outlined in 169.03, and 169.17.

- **Responding to Emergencies** - During an emergency response, officers may:
  - stand contrary to traffic laws;
  - proceed through a stop sign or red light, but only after slowing as may be necessary for safe operation.
  - exceed posted speed limits, using a high degree of caution to reduce risks of danger to life or property; and
  - ignore traffic laws governing direction of traffic movement or turning, using a high degree of caution.
- **Consider Existing Conditions** - During an emergency response, always consider existing light, weather, road, traffic, and vehicle conditions.

- **Alertness and Foresight** - During an emergency response, you must be extra cautious as other motorists may unpredictably react and create added hazards.

B. Community Service Officers (CSO's) may only operate police vehicles as Emergency Vehicles, as defined in Statute as outlined in this section:
    1. A CSO must have received training in emergency driving, and that training must be current, as outlined in the department training standards; and
    2. The CSO must activate both the red lights and siren of the police vehicle; and
    3. The CSO may not exceed the speed limit on County Roads or Trunk Highways by more than 15 MPH, and they may not exceed the speed limit on any other roadway by more than 10 MPH, but in any event, the CSO may not travel at a speed that is excessive, given the factors present, including but not limited to traffic, weather, roadway design, and the nature of the Emergency; and
    4. The CSO must come to a complete stop at any stop sign or red signal light, and they may not proceed until the path is clear; and
    5. Upon approaching any signalized intersection, the CSO must slow their vehicle speed to no more than the speed limit on that roadway, even when the light is green, and they may not proceed until the path is clear.
C. A CSO should use emergency lights while at emergency scenes, when parked contrary to traffic laws, or whenever the use of emergency lighting is appropriate for safety, as directed by a Supervisor, or in the course of official duties.
D. Reserve Officers may not drive or operate a police vehicle as an Emergency Vehicle, except that Reserve Officers may use emergency lights as appropriate at the scene of an emergency, or as directed by the Chief of Police or designee.
E. Emergency Response Restrictions for Licensed Officers:

    1. Officers are required to maintain a speed that ensures that they are in control of their vehicle at all times.
    2. The operation of the squad computer or cell phone is prohibited while operating as an emergency vehicle, unless the vehicle is traveling at or below the speed limit.
    3. Upon approach to any controlled intersection, the officer must adjust the speed of the squad car so as to be able to completely stop the squad car prior to entry of the intersection if needed, unless no traffic is present and the officer has a clear view of each direction of travel, and they are able to pass through the intersection without concern for other traffic that may be on approach.

3-6-7 USE OF SAFETY BELTS REQUIRED

Except where specifically exempted, all persons shall use the safety belt restraining system while operating or riding as a passenger in a departmental vehicle while the vehicle is in motion.

This policy shall not apply to persons occupying a seating position that is not equipped with a safety belt assembly, or any officer possessing a written indication from a physician or the Chief of Police that for a medical or physical reason the officer is unable to use the safety belt system.

Unless a replacement vehicle is unavailable, no person shall operate a departmental vehicle in which any safety belt in the front seat is inoperable.

3-6-8 EXCEPTIONS

There are circumstances in which use of safety belt restraining systems may hamper Police functions. Supervisors may grant exemption to this policy for specific situations in which they deem efficiency of operation outweighs the safety benefit.

For tactical or operational reasons, it may be prohibitive for officers to wear their seat belt. Officers may, on a case by case basis, remove their seat belt, provided that this is done in compliance with MSS 169.686 Sub. 2 c. 4.

3-6-9 CRASHES INVOLVING DEPARTMENT VEHICLES

For crashes involving department vehicles, follow guidelines contained in this policy specific to department vehicles.

BUFFALO POLICE DEPARTMENT
PROCEDURAL ORDERS

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3-7 DOMESTIC DISPUTES

3-7-1 PURPOSE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic abuse through vigorous enforcement and attention to victim safety, and to address domestic abuse as a serious crime against society. This policy specifically addresses the commitment of this department to hold offenders accountable, to take enforcement action when appropriate, to prioritize service and assistance to victims, and to guide officers in the investigation of domestic abuse. Additionally this policy intends:

A. To express and delineate the distinction between incidents of domestic abuse involving Intimate Partner Violence (IPV) and Domestic Relationship Violence (DRV), and to outline appropriate procedures for response to both types of domestic abuse; and
B. To prevent future incidents of domestic abuse by establishing arrest rather than mediation as the preferred law enforcement response, particularly in cases involving (IPV); and
C. To make certain that officers thoroughly investigate and document all incidents involving reported, observed, or perceived domestic abuse, in order to ensure victim safety and access to victim services, to aid in assessing potential risk and lethality at the time of the incident and in the future, to properly inform advocates, probation services, prosecutors, social services, and the courts; and
D. To reaffirm the authority of peace officers to make arrest decisions in accordance with established probable cause standards and standards of reasonableness; and
E. To provide guidance to officers regarding when an arrest may be deferred or when it is mandated, based on state law and department policy; and
F. To develop and maintain public trust by ensuring organizational and individual accountability and consistency regarding officer and agency responses to domestic abuse incidents.

3-7-2 POLICY

Officers of the Buffalo Police Department will utilize and follow this policy in response to calls where there may be domestic abuse. This policy prescribes the courses of action officers should take in response to a domestic disturbance call.

The Buffalo Police Department regards domestic abuse as criminal behavior and as a serious problem in today's society. This agency will aggressively enforce the domestic abuse laws

without bias and prejudice based on race, marital status, sexual orientation, social class, age, disability, gender, religion, creed, or national origin. It is this agency's policy to ensure safety, service, and protection for all domestic abuse victims, and appropriate accountability for all offenders. These objectives will be accomplished through developing and implementing best practices for: partnerships with stakeholders, collaboration, data sharing, and investigation of domestic abuse incidents.

Although it is the policy of this agency to aggressively enforce domestic abuse laws, an arrest will not necessarily occur in each instance in which domestic abuse has been determined to have occurred. These instances may include but are not limited to: (1) situations in which minimal force was used, there is no indication that the victim fears the offender, and there is minimal continued danger and risk of additional domestic abuse; and (2) where victims of ongoing abuse use force toward their abusers but do not pose a significant threat or danger to them; and (3) situations in which there are significant medical, psychological, or other issues, which make arrest impractical or prohibitive.

3-7-3 PROCEDURES

3-7-4 DEFINITIONS

For the purposes of this policy, the words and phrases in this section have the meanings given to them, unless another intention clearly appears.

A. Family or household member includes all persons defined in this section as an Intimate Partner, or those having a Domestic Relationship.
B. Intimate Partner includes the following:
    1. Spouses and former spouses
    2. Persons who have a child in common regardless of whether they have been married or have lived together at any time
    3. Persons who are presently residing together and who are in a significant romantic or sexual relationship
    4. Persons involved in a significant romantic or sexual relationship, regardless of whether they currently reside together
    5. A man and a woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time
C. Domestic Relationship includes persons who are not defined as intimate partners, but are:
    1. Parents and children
    2. Persons related by blood
    3. Persons who currently are residing together
    4. Persons who have resided together in the past
D. Significant romantic or sexual relationship is a factor that is constructed and determined based on a variety of elements, including but not limited to: the length of time of the relationship, the type of relationship, the frequency of interaction between the parties, and if the relationship has terminated; the length of time that has elapsed since the termination.

E. Domestic abuse refers to and is inclusive of both Intimate Partner Violence (IPV) and Domestic Relationship Violence (DRV), and means the following as defined in Minn. Stat. 518B.01 subd. 2(a), if committed against a family or household member by a family or household member:
   1. Physical harm, bodily injury, or assault;
   2. The infliction of fear of imminent physical harm, bodily injury, or assault; or
   3. Terroristic threats, criminal sexual conduct, or interference with an emergency call as defined in statute.

F. Domestic Abuse Program means a public or private intervention project or advocacy program which provides support and assistance to the victims of domestic abuse.

G. Child or minor means a person under 18 years of age.

H. Predominant aggressor means the person who is the most dangerous aggressor, taking into account the totality of the circumstances of this incident as well as determining the person who poses the greatest threat or likelihood of future harm. The predominant aggressor is the person determined to be the most significant, rather than the first, aggressor.

3-7-5 DISPATCHING THE CALLS

A. Receiving the Domestic Call

Upon receiving a domestic call, the dispatcher will assign the call a high priority. The dispatcher should assign at least two officers to a domestic call. If only one officer is available, all reasonable attempts should be made to obtain another officer to assist the officer who was initially dispatched.

B. Information to be Obtained

The dispatcher receiving a domestic call should attempt to elicit from the caller, and should communicate to the responding peace officers, as much of the following information as possible:

1. The nature of the incident
2. The address of the incident, including apartment number, etc.
3. The telephone numbers where the caller can be reached and an alternative telephone number
4. If weapons are involved or present in the dwelling
5. If someone is injured and the nature of the injury
6. Information about the suspect including whether the suspect is present, description, direction of flight, mode of travel, etc.
7. Relationship between the caller and the suspect
8. If there has been prior abuse or prior calls involving these individuals
9. If there is an order for protection
10. If children are present at the scene
11. If there are non-English speaking people, or people with mobility impairments or hearing impairments

C. Additional Steps

If the caller is the victim, the dispatcher should attempt to keep the caller on the telephone as long as possible, tell the caller that help is on the way, and tell the caller when they can expect the peace officers to arrive.

If the caller is a witness to an incident in progress, the dispatcher should attempt to keep the caller on the phone and should relay ongoing information provided by the caller to the responding peace officers.

If the responding peace officers are some distance away, and the dispatcher cannot remain on the telephone with the caller/victim, the dispatcher should attempt to call back periodically to check on the progress of events, and call again when the officers arrive at the scene. If the dispatcher finds that a victim/caller who was recently available suddenly cannot be reached by phone or there is a persistent busy signal, the dispatcher should relay that information to the responding officers.

3-7-6 RESPONDING TO THE CALLS

A. Driving to the Scene

The peace officers should respond directly and without unreasonable delay to the scene of a domestic call.

B. Initial Contact with Occupants

Upon arriving at the scene of a domestic call, and being met, the responding officers should identify themselves as peace officers, explain their presence, and request entry into the home. The officers should ask to see the person who is the subject of the call. If the person who called the law enforcement agency is someone other than the subject of the call, the officer should not reveal the caller's name. The officers should ensure all of the occupants are safe.

C. Entry

1. Refused: If refused entry, the officers should be persistent about seeing and speaking alone with the subject of the call. If access to the subject is refused, the officers should request the dispatcher to contact the caller or witness if the information for the contact is available.
2. Forced Entry: If access is still refused and the officers have reason to believe that someone inside is in imminent danger, or if they determine that other exigency exists, officers may force entry.
3. Search Warrant Entry: If the officers are refused entry and have no legal recourse to force entry and they have reasonable grounds to believe a crime has been committed, they should contact their supervisor and request permission to obtain a search warrant.

D. First Aid

After securing the scene, the responding peace officers shall provide the necessary first aid.

3-7-7 DETERMINATION OF PROBABLE CAUSE

After securing the scene and providing any first aid, the officer(s) assigned will begin a criminal investigation to determine if there is probable cause to believe that a domestic abuse crime or other crime has been committed. The determination of probable cause is constructed by the officer(s) based on the totality of the circumstances, which include an examination of the available evidence, statements of those involved or those who may have witnessed the incident, the observations of the officer, and relevant information pertaining to prior acts, reported or unreported. The officer(s) should conduct a complete and thorough investigation, which includes collecting relevant physical evidence, including weapons which may have been used, taking photographs of the scene of any injuries, and statements from the involved parties and witnesses. Examples of typical evidence, statements and observations may include:

A. Visible injuries
B. Condition of clothing or the home
C. Property damage
D. Excited utterances of the victim and the suspect
E. Demeanor of the victim and the suspect
F. Medical records including the victim's statements to paramedics, nurses and doctors
G. Interviews of witnesses including the children who may have been present
H. Evidence of any prior domestic abuse-related convictions, including dates, and the existence of any current or prior orders for protection or no contact orders.

3-7-8 ARREST CONSIDERATIONS

If an officer determines that probable cause exists to make an arrest for domestic abuse or another offense, the officer must still make a determination of whether to make arrest. The following provisions relate to this decision-making process.

A. <u>Factors that are not to be Considered in Arrest Decisions</u>
Arrests decisions should be made without consideration of:

1. Marital status, sexual orientation, race, cultural, economic, social, political or professional position or status.
2. Ownership, tenancy rights of either party, or the fact the incident occurred in a private place.
3. Belief that the victim will not cooperate with criminal prosecution or that the arrest may not lead to a conviction.
4. Verbal assurances that the abuse will stop.
5. Disposition of previous police calls involving same victim or suspect.
6. Denial by either party that the abuse occurred when there is evidence of domestic abuse.
7. Lack of a court order restraining or restricting the suspect.

8. Concern about reprisals against the victim.
9. Adverse financial consequences that might result from the arrest.
10. Chemical dependency or intoxication of the parties.

B. Factors that may be Considered in the Arrest Decision for IPV
   1. Whether the incident involves retaliation by a subject in response to a pattern of abuse by another.
   2. Whether a predominant aggressor can be determined.
   3. Whether all of the following are present:
      a. The victim has not been injured; and
      b. There is a lack of fear, both initially and subsequently by the victim; and
      c. There is no history of prior domestic abuse incidents; and
      d. The Lethality Assessment Protocol (LAP) is not triggered; and
      e. The safety of the victim can be assured through a safety plan.

C. Factors that may be Considered in the Arrest Decision for DRV
   1. The amount of force that was used was minimal
   2. There is very minimal or no injury to the victim
   3. A lack of fear, initially or subsequently, by the victim
   4. The risk and danger of additional domestic abuse is minimal
   5. The juvenile status of the victim and/or the offender

D. Special Factors that may be Considered in the Arrest Decision for either IPV or DRV
   1. Situations in which there are significant medical or psychological issues, which make arrest impractical or prohibitive. These instances may include, but are not limited to: situations in which the assailant has been hospitalized for medical or psychological issues.

E. When Arrest Is Required

   When probable cause has been established that any of the following have occurred:
   1. Violation of Orders for Protection or Harassment Restraining Orders; and
   2. Violation of a Domestic Abuse No Contact Order (DANCO); and
   3. Any case involving any Gross Misdemeanor or Felony domestic abuse violation.

F. Primary Aggressor and Dual Arrests

   The agency shall discourage dual arrest. Where there are allegations that each party assaulted the other, the peace officer shall determine whether there is sufficient evidence to conclude that one of the parties is the primary aggressor based on the following criteria and the officer's judgment:

   1. Comparative extent of any injuries inflicted.
   2. Fear of physical injury because of past or present threats.
   3. Actions taken in self-defense or to protect oneself.
   4. The history of domestic abuse perpetrated by one party against the other.
   5. Existence or previous existence of orders for protection.

3-7-9 NON-ARREST PROCEURES

A. Supervisor Notification and Decision

In all cases in which an officer has probable cause to arrest a person for a domestic abuse incident and the officer believes that the incident should be resolved by a means other than through custodial arrest, the officer is required to make contact with a ranking supervisor of the Buffalo Police Department for authorization to proceed without arrest.

1. The officer is required to consult with the supervisor while still on-scene, and to fully apprise the supervisor as to the facts and circumstances surrounding the incident, as well as the rationale for the non-arrest request.
2. The officer is required to document the supervisory contact within the police report.
3. The supervisor will make the decision concerning any non-arrest, and will be responsible for ensuring that the decision follows all appropriate laws and policies.
4. No deviation from these policies is authorized without prior approval from the Chief of Police or the prosecuting authority.

Note: In cases where a ranking supervisor is already involved in the initial investigation, that supervisor can make a non-arrest decision exclusively and without consulting another supervisor.

B. Officer Responsibilities related to Non-Arrest

In any case where a decision is authorized by the supervisor to defer arrest, the primary officer is responsible for the following:

1. The offender is to be notified that although they are not being charged at this time:
   a. Criminal charges may still be filed at a later time and that they will be notified of any such charges; and
   b. They are not to engage in any further domestic abuse or harassment; and
   c. They remain subject to arrest, and they may be arrested and taken into custody if additional actions and circumstances require a subsequent response.
   d. The victim has no say in whether an arrest or charge is pursued.
2. The safety of the victim following the incident.
3. Ensuring that a safety plan is in place that will minimize the potential for additional problems.
   a. For adults, the safety plan will generally involve removal of the assailant from the home at least until the following day.
   b. For juveniles, the safety plan may involve removal from the home, or separation and monitoring within the home.
   c. For both adults and juveniles, officers should carefully discuss safety options and ensure that the victim is comfortable with the plan and knows how and when to access appropriate resources, as the need may dictate.
4. If the non-arrest decision is related in whole or in part to a medical or psychological issue, the primary officer is responsible for promptly notifying administration of the location of the perpetrator and the non-arrest report.

C. Prosecutor Notification and Decision

In all cases where probable cause for arrest was determined for a domestic abuse incident, and where an arrest did not occur, the reports and appropriate documentation will be promptly forwarded to the designated prosecuting authority for review and recommendation of charges. The expectation is that this documentation will be forwarded to the prosecutor by the next business day following the incident. The prosecutor will be responsible for advising the agency of the following:

1. To bring charges, including which charges to pursue; or
2. That the case may be closed without further action.

D. Notification

In cases where probable cause existed for a domestic abuse charge, and where the initial decision regarding charges was deferred, it will be the responsibility of the officer assigned to the case to make notification to the victim regarding the final charging decision. This notification may be made in writing or via other means, but the police report must include documentation of this notice.

E. Documentation

Officers are required to comply with all documentation requirements in this policy, regardless of whether a non-arrest is authorized. Non-arrest reports may be typed or dictated but should be submitted in a green folder for prompt processing.

3-7-10 AUTHORITY AND TYPES OF ARREST

A. Warrantless Probable Cause Arrest for Fifth Degree Assault and Domestic Assault

Notwithstanding Minn. Stat. SS 629.34 or any other statute or rule, a peace officer may arrest a person anywhere without a warrant, including at the person's residence, if the peace officer has probable cause to believe that the person within the preceding twenty-four hours has assaulted (causing bodily harm), or placed in fear of immediate bodily harm the person's spouse, former spouse, or other person with whom the person resides or has formerly resided or other person with whom the person has a child or an unborn child in common, regardless of whether they have been married or lived together at any time, though the assault did not take place in the presence of the peace officer (Minn. Stat. SS 629.341). A peace officer may arrest at any time when the assault results in substantial or great bodily harm; or includes the use of, or threat of a dangerous weapon. (M.S. 629.13, 629.34 and 629.35). A peace officer acting in good faith and exercising due care in making an arrest pursuant to Minn. Stat. SS 629.341, subd. 1 is immune from civil liability that might result from the officer's action.

Note: An arresting officer may not issue a citation in lieu of arrest and detention to an individual charged with assaulting the individual's spouse or other individual with whom the charged person resides (Minn. Stat.SS 629.72).

B. Level of Arrest for Assault 5 and Domestic Assault: Misdemeanor, Gross Misdemeanor and Felony

Assault in the Fifth Degree is typically a misdemeanor; however, there is the potential for assaults that would ordinarily be considered to be a fifth degree assault, to be charged at the gross misdemeanor and even felony level (M.S. 609.224 S 2 & 4). Officers making arrests for domestic assault should check the criminal history of the defendant and examine the record to determine if an enhancement is appropriate. If it is unclear to the officer if an enhancement is appropriate, the officer should check with a supervisor or the City/County Attorney (M.S. 609.2242 S 2 & 4).

Note: Whoever assaults a family or household member by strangulation is guilty of a felony. (M.S. 609.2247)

C. Stalking (M.S. 609.749)

Effective July 1, 1993, Minnesota enacted a stalking statute which creates new crimes at both the felony and gross misdemeanor level. The statute also supersedes and repeals certain previously misdemeanor offenses. The provisions of M.S. 609.749 include several which are frequently applicable to domestic abuse situations even when no actual assault occurs.

Gross misdemeanors include the following types of harassment when done in a manner that would cause a reasonable person under the circumstances to feel oppressed, persecuted or intimidated and which does cause that reaction in the victim (M.S. 609.749, subd.2):

1. Directly or indirectly manifests a purpose or intent to injure the person, property, or rights of another by the commission of an unlawful act;
2. Stalks, follows or pursues another;
3. Returns to the property of another if the action is without claim of right to the property or consent of one with authority to consent;
4. Repeatedly makes telephone calls, or induces a victim to make telephone calls to the actor, whether or not conversation ensures;
5. Makes or causes the telephone of another repeatedly or continuously to ring;

6. Repeatedly uses the mail or delivers or causes the delivery of letters, telegrams, packages, or other objects; or
7. Engages in any other harassing conduct that interferes with another person or intrudes on the person's privacy or liberty.

Note: If a defendant stalks, follows or pursues the victim while possessing a dangerous weapon, even if the victim did not see the weapon, the offense becomes a felony.

Any of the above gross misdemeanors may be enhanced to a felony if committed within 10 years of discharge from sentence for a prior conviction for harassment, assault (any degree), violation of an OFP or harassment order or terroristic threats.

In addition, a felony harassment crime has been created which prohibits engaging "in a pattern of harassing conduct with respect to a single victim or one or more members of a single household in manner that would cause a reasonable person under the circumstances to feel terrorized or to fear bodily harm and that does cause this reaction" in the victim. M.S. 609.749, subd 5. A "pattern of harassing conduct" means 2 or more acts (convictions are not necessary) within a 5 year period that constitute any of the following offenses: harassment, terroristic threats, assault, violation of an order for protection or harassment order, trespass or harassing phone calls or mail. The harassment statute makes it more important than ever to document not just the facts of the current police call but the history of abuse or harassment.

Note: The domestic abuse arrest statute (M.S. 629.72) was amended effective August 1, 1993, to provide, as was already the case for domestic assault arrests, that the officer may **not** issue a citation in lieu of arrest in stalking cases. Also effective August 1, 1993, an officer may make a warrantless probable cause arrest for harassment even if the offense did not occur in the officer's presence. M.S. 629.34, subd. 1 (c) (5).

D. <u>Probable Cause Felony Arrests for Other Crimes</u>

At a domestic call, peace officers shall consider whether other felony crimes have been committed including but not limited to: burglary, felony assault, terroristic threats, kidnapping, false imprisonment and witness tampering, or other misdemeanor crimes including by not limited to: trespassing, criminal damage to property, disorderly conduct, witness tampering or assault.

Note: An assault 5 may be chargeable as burglary in the first degree even if the home is also the offender's, if the entry is made without consent of the victim and in violation of an OFP barring the offender from the premises.

E. Violation of Court Orders

The peace officer shall verify whether any of the following orders exist prior to or during an arrest. This verification may be made by the peace officer or someone acting at the officer's direction. Methods of verification may include personally seeing a copy of the order or reviewing an agency's file which indicates the existence of such an order. If the verification is made at the direction of the peace officer, the peace officer shall document the name of the person verifying the type of order. In a police report, the officer shall document actions taken to identify and verify the specific court order (e.g. order for protection), indicate the exact provision (s) an alleged violation is based upon, and specify the file number of the order.

Note: Ex Parte Temporary Orders for Protection are valid for a fixed period of time, not to exceed 14 days from issuance unless extended by the court. Orders for Protection (non-temporary) are valid for a fixed period of time, not to exceed one year except when the court determines a longer fixed period is appropriate.

1. Order for Protection

A peace officer shall arrest and take into custody without a warrant, a person whom the peace officer has probable cause to believe has violated the restraint or exclusion section of an order for protection granted pursuant Minn. Stat. SS 518B.01 subds. 6, 7, or 9. Such an arrest shall be made even if the violation of the order did not take place in the presence of the peace officer, if the existence of the order can be verified by the officer.

Note: There are four key points related to the order for protection: 1) The law requires an arrest regardless of whether or not the excluded party was invited back to the residence. 2) There is no hour limitation for a warrantless arrest for a violation of an Order for Protection. 3) Provided there is a valid order in place, this section applies. This is true even if the subject of the order has not been served with a copy of the order, and even if the subject of the order is unaware of the existence of the order. 4) If there is evidence that an individual has violated another provision of an Order for Protection, other than the restraint or exclusion clauses, a police report should be submitted to the prosecutor indicating that the order was violated. Violations of orders for protection are misdemeanors unless the person violates Minn. Stat. SS 518B.01, subd. 14 within ten years after a previous conviction under this law or a similar law of another state in

which case the offense is a gross misdemeanor. The offense is a felony if the violator has two prior qualified domestic-violence related offense convictions.

A violation of an Order for Protection is a misdemeanor but may be enhanced to a gross misdemeanor if the offense occurs within 5 years of discharge from sentence for conviction of violation of an OFP or (effective for crimes occurring on and after 8/1/94) for any conviction of assault, terroristic threats, violation of a harassment order or stalking.

2. Harassment Restraining Order

A peace officer shall arrest and take into custody a person whom the peace officer has probable cause to believe has violated a harassment restraining order pursuant to Minn. Stat. SS 609.748, Subds. 4 or 5, if the existence of the order can be verified by the officer.

NOTE: A person who violates a harassment restraining order is guilty of a misdemeanor if the violator knows of the order. This offense may be enhanced to a gross misdemeanor if it occurs within ten years of discharge from sentence for a previous conviction for violation of either a harassment order or an OFP or any assault, stalking or terroristic threats conviction. The offense may be enhanced to a felony if the violator has two prior qualified domestic violence-related offense convictions within the past ten years.

3. No Contact Order

As of August 1, 1993, an officer may arrest without a warrant any person who he has probable cause to believe has violated the provisions of a no contact or restraining order issued by a court. Minn. Stat. 629.34, subd. 1(6).

NOTE: A person who violates a No Contact Order is guilty of a misdemeanor if the violator knows of the order. This offense may be enhanced to a gross misdemeanor if it occurs within ten years of a previous qualified domestic violence-related offense conviction. The offense may be enhanced to a felony if the violator has two prior qualified domestic violence-related offense convictions within the past ten years. In many jurisdictions, pretrial no contact orders are routinely issued in crimes against persons cases, including domestics, and are valid until final disposition of the case (sentencing or dismissal). The pre-trial order is frequently replaced at the time of

sentencing with a new no contact order issued as a condition of probation. This no contact order may be valid for the full probationary period indicated in the order.

Any no contact order may be rescinded by the court at any time. However, the production by the victim of a copy of an apparently valid court order, absent contrary evidence, provides prima facie basis for arrest whenever there is probable cause to believe a violation of the order has occurred.

3-7-11 ASSISTANCE, STAYING AT THE SCENE, CRIME VICTIM RIGHTS AND SERVICES

A. Staying at the scene

If an arrest does not occur, the peace officers should remain at the scene of the disturbance until they believe that the likelihood of further imminent abuse has been eliminated. If a domestic abuse intervention program is available, the peace officer should provide for notification to assist with intervention. It the policy of this department to work with Rivers of Hope advocates as it relates to incident of domestic abuse.

Note: Minn. Stat- SS 629.342 provides that when a peace officer does not make an arrest, the peace officer must provide immediate assistance to the victim, including obtaining necessary medical treatment and providing the victim with the notice of rights pursuant to MN. Stat. SS 629.341, subd. 3.

B. Assistance to Non-English Speaking Victims or Victims with Communication Disabilities

The peace officer shall use the resource list established by the law enforcement agency to contact a person to assist in those cases where the participants in the domestic call, including witnesses, are non-English speaking, are hearing impaired, or have other communication disabilities. The officer should avoid the use of friends, family or neighbors to serve as the primary interpreter for the investigation.

C. Notice of Domestic Abuse Victim Rights

The peace officer shall supply the victim of a domestic call a copy of the agency's crime victim notification packet. This packet will include relevant information from all advocacy or victim assistance groups available to the victim in this area.

3-7-12 CHILDREN

A. Child Victims

If a child is present at the scene of a domestic call or is the victim of domestic abuse, the peace officer should determine whether the child has been subjected to physical abuse, sexual abuse, or neglect, and comply with the requirements of Minn. Stat. SS 626.556, Reporting of Maltreatment of Minors. The officer shall also attempt to verify whether there has been an Order for Protection issued Minn. Stat. SS 260.133. If the child has been physically injured, the officer should escort the child to the nearest hospital for treatment.

B. Child Present and Care

If the legal parent or guardian of a child can no longer provide care (for example, when the parent is hospitalized), the officer should consult with the legal guardian to determine the disposition of the child and should make a good faith attempt to follow the request of the legal guardian or parent. If the peace officer reasonably believes that the child's immediate surroundings or conditions endanger the child's health and welfare, the officer may take the child into immediate custody pursuant to Minn. Stat. SS 260.165, subd. 1 (c) (2).

3-7-13 REPORTS AND FORMS

A. Narrative Report

Whether there is an arrest or not, peace officers shall complete a narrative report after responding to a domestic or domestic abuse call that involves an allegation of domestic assault. If the officer did not arrest or seek an arrest warrant even though arrest was authorized, a detailed explanation of the reasons for the officer's decision not to arrest must be documented. The report should include the following: detailed statements from the victim; suspect, and witnesses; description of injuries; information about past allegations of abuse; description of the scene; If and how a determination of primary aggressor was made; existence of language barriers; presence of elderly victims, children, or those with disabilities; and documentation of evidence.

B. Strangulation Worksheet

If the domestic abuse incident involves strangulation, the strangulation worksheet must be completed. The strangulation is only available in paper form. Officers must complete the paper form and submit this in the report folder along with other documents.

C. Exception

Where there is no allegation of domestic abuse and no evidence of an assault or other crime associated with a dispute call, Officers are not required to complete a narrative report, but are still required to complete the basic call for service documentation. Officers are encouraged to complete a written narrative report in cases where the facts and circumstances may be called into question at a later date.

D. Completeness

Notwithstanding the fact that the officer has decided not to arrest one of the participants in the domestic call, the peace officer shall thoroughly document all relevant information in the report and shall refer the report to police administration and the appropriate prosecutor for review and consideration of criminal charges.

3-7-14 PROCEDURES: DOMESTIC VIOLENCE LETHALITY ASSESSMENT PROTOCOL

In an effort to ensure consistency and thoroughness of all IPV investigations, this agency will engage the use of a Domestic Violence Lethality Assessment Protocol (LAP). The completed LAP form is required whenever there is an arrest for IPV or a report is being referred for review and consideration of criminal charges. The LAP form is required to be included with the initial report.

A. Completion of the LAP
   a. The protocol is triggered by an affirmative answer to any of the first three questions, affirmative answers to any combination of questions 4-12, or the officer's belief that the victim is in a potentially lethal situation.
   b. If the protocol is triggered, the officer will make contact with an appropriate victim's advocate from the scene, provide the advocate with the background information, and will attempt to get the victim to converse with the advocate. The appropriate advocacy group is Rivers of Hope, or their designee.

B. Delayed completion of the LAP
   Completion of the Lethality Assessment Protocol is of paramount importance as a part of our investigative efforts. Accordingly, every effort should be made to complete this document at the time of the initial incident or report. It is conceivable, however, that there may be circumstances that may dictate a delay in this process. Delayed completion of the LAP may occur as follows:
      1. If all officers initially assigned need to leave the domestic violence scene to tend to an emergency which cannot be immediately attended to by other personnel. In these instances, the officer may leave the scene, but should return to the scene as soon as possible to complete the LAP.

2. If the victim is incapacitated due to injury or chemical use, the officer should either attempt to have the LAP completed as is practical, or forward this information to administration so that a Detective or other Officer can be assigned to complete the LAP at a later time.
3. The victim may refuse to cooperate with the LAP. If this is the case, the officer should encourage the victim to assist with this process, but if they refuse to do so, this information should be recorded in the report and forwarded to administration for follow-up assignment.
4. If the LAP is delayed, and upon return, the victim is unavailable, or refuses to cooperate with completion of the protocol, the officer must note this in their report so that additional efforts may be attempted to complete this paperwork.
5. Officers are reminded of the requirement to remain on the scene until they are satisfied that the likelihood of further imminent abuse has been eliminated. In cases where the suspect is gone on arrival, Officers need to assess any future danger to the victim prior to clearing the scene, even when an emergency call may be pending.

3-7-15 CHARGING PROCEDURES FOR SUBJECTS WHO ARE GONE ON ARRIVAL

In cases where the officer determines that an act of domestic abuse has occurred, or stalking or harassment as outlined in 609.749, but the perpetrator cannot be located, the officer will complete all appropriate documentation outlined in this section. The reports will be promptly reviewed by administration and if appropriate, they will be forwarded to the prosecuting authority for issuance of an arrest warrant.

In any other case where there has been a recent violation of an Order for Protection, Harassment Restraining Order, or a Domestic Abuse No Contact Order, and the perpetrator cannot be located, these same procedures will apply.

Unless the person is arrested prior to the obtaining of an arrest warrant, no citation should be issued for any offender that cannot be immediately located at the time of the incident, or at the time of the initial report. If appropriate, the citation can be issued at a later time.

Enhancements Table

Conviction means a plea of guilty or verdict of guilty accepted by the court (Minn. Stat.§ 609.02, subd. 5).

Discharge from Offense means the time between conviction and the end of 5 years following discharge from sentence for that offense.

QDVRO means a "Qualified Domestic Violence Related Offense" which includes a violation of or an attempt to violate a domestic abuse order for protection; first or second-degree murder; first through fifth-degree assault; domestic assault; female genital mutilation; domestic assault by strangulation; first through fourth-degree criminal sexual conduct; malicious punishment of a child; terroristic threats; violation of harassment restraining order; stalking; interference with an emergency call; nonconsensual dissemination of private sexual images; and violation of domestic abuse no contact order (DANCO); and similar laws of other states, the United States, the District of Columbia, tribal lands, and United States territories. (Minn. Stat. 609.02, subd. 16)

Offense	Victim of Offense	Time Limit	Prior Conviction	Offense Level
Assault 5	Same Victim	w/in 10 years of conviction	QDVRO	Gross Misdemeanor
		w/in 10 years of discharge of 1st of 2 or more convictions	QDVRO	Felony
	Any Victim	w/in 3 years of conviction	QDVRO	Gross Misdemeanor
		w/in 3 years of 1st of 2 or more convictions	QDVRO	Felony
Domestic Assault	Family/Household Member (as defined in Minn. Stat. 518B.01, subd. 2.)	w/in 10 years of conviction	QDVRO	Gross Misdemeanor
		w/in 10 years of 1st of 2 or more convictions for Domestic Assault or Assault 5	QDVRO	Felony
Malicious Punishment	Any Victim	w/in 5 years of discharge	Assault 1-5, Domestic Assault, Malicious Punishment, Criminal Sexual Conduct 1-4, or Terroristic Threats	Felony
Violation of Order for Protection or Harassment Restraining Order	Any Victim	w/in 10 years of conviction	QDVRO	Gross Misdemeanor
		w/in 10 years of discharge of 1st of 2 or more convictions	QDVRO	Felony
Stalking	Any Victim	w/in 10 years of conviction	QDVRO	Felony
Interference w/ Privacy	Any Victim	None	Interference w/ Privacy or Stalking	Gross Misdemeanor

Effective: 01/25/2019	Reevaluation Date: MARCH 2024

3-8 INTERVIEW AREA SECURITY AND CONTROL

3-8-1 PURPOSE

This directive codifies and promulgates the agency approach to controlling all aspects of secure interview area security. Adhering to its mandates is essential to preserving the welfare of staff and detainees alike.

3-8-2 POLICY

The security of staff, interviewees and innocent third parties is dependent on effective secure interview area procedures. This agency is committed to developing procedures that will minimize the risks to all parties in the operation of the secure interview area.

3-8-3 PROCEDURES

3-8-4 FIREARMS

Firearms are allowed within the interview room and area, except when a condition exists that would require officers to deposit their weapons (including belt knives) into a weapons locker.

No outside agency members will be allowed to bring a firearm into the secure interview room when a condition exists that would require officers to deposit their weapons (including belt knives) into a weapons locker.

A condition that would require the depositing of a weapon in the weapons locker would be when a detainee is unruly, or when a situation occurs that an officer should place his weapon in the weapons locker.

3-8-5 ENTERING AN OCCUPIED INTERVIEW ROOM

In order to ensure that detainees do not have the opportunity to escape, all officers entering occupied rooms will be monitored visually by another officer, if and when available. Additionally, at least one officer entering an interview room occupied by a detainee will be assisted by another officer, if and when available.

3-8-6 CONTROL AND USE OF KEYS

Control of the interview areas keys is the responsibility of the Chief of Police. Ordinarily, keys and/or keycards will be issued to all agency sworn personnel. A roster of keys and their assigned holders will be maintained by City Administration.

3-8-7 SECURED FACILITY DOORS

All doors to the secure area, and to the Police Department, will remain locked and closed at all times other than during tours, maintenance periods or when placing or removing interviewees.

3-8-8 SECURITY CHECKS - UNOCCUPIED ROOMS

A security check will be conducted by the officer on-duty, or designee, prior to each use of an unoccupied room. The search will ensure the removal of weapons and contraband or any item which could harm people or property. The security check will be repeated following the removal of the detainee.

Any abnormal conditions or the discovery of contraband will be reported to the Chief of Police promptly verbally and in writing.

3-8-9 AUDIO/VISUAL SYSTEM

Place interviewees in room(s) with audio/visual systems if possible. Officers should turn on audio/visual system and monitor individuals, until transfer or they are finished with interviewee. The audio/visual system is capable to hook up to a VCR or other media for taping interviews, etc.

3-8-10 PROCEDURES IN THE EVENT OF ESCAPE

The following procedure will be followed in the event an escape occurs from the detention facility:

A. The Communications Center will be immediately notified by the officer of the escape and advise them of the name of the individual, a physical description, the nature of the charge and, if known, the direction of travel.
B. The Communications Center, after notifying all on duty personnel, will as soon as practical notify surrounding communities of the escape and description of the suspect and the nature of the charge.
C. When the escaped individual is located and is arrested, the Communications Center will advise the surrounding communities of his/her capture.

3-8-11 REPORTING OF SPECIAL INCIDENTS

The officer will submit a written report to the Chief of Police detailing the circumstances and resolution, if any, surrounding special incidents which threaten the interview area or any person therein.

Examples of special incidents include credible personal threats, serious assaults, damage or potential damage to facility fixtures, and any other circumstances sufficient in the officer's judgment to warrant supervisory attention.

BUFFALO POLICE DEPARTMENT
PROCEDURAL ORDERS

Effective: 01/25/2019	Reevaluation Date: MARCH 2024

3-9 INTERVIEWEE PROCESSING

3-9-1 PURPOSE

This order codifies the processing procedures, including the necessary forms and reporting steps, to ensure compliance with department policy.

3-9-2 POLICY

Processing of interviewees must be accomplished safely, efficiently and with respect for the legitimate property interests of the interviewees. Once processed, interviewees must be appropriately segregated and attended to based on sex, age and emotional state.

3-9-3 PROCEDURES

3-9-4 INVENTORY OF INTERVIEWEE PROPERTY

Interviewees will be thoroughly searched while in secure areas and prior to entering the secure interview rooms. Purses, wallets, footwear, belts and jewelry which could potentially be used as a weapon; necklaces and contents of all pockets; and any other property which could be used to mark, mar or injure any person or property will be taken from the interviewee.

Any property removed from the interviewee, shall be safely retained until such time as the property can be returned to the interviewee. Interviewee property may be bagged and placed in a locked property locker, as appropriate.

Unauthorized items and confiscated contraband will be inventoried and listed in the case file.

3-9-5 ARREST AND INTAKE FORMS

A. Arrested individuals brought into the police department secure interview area should be continually monitored.
B. Individuals in handcuffs brought to the secure area should remain cuffed until placement into a secure room.

C. Photographs and fingerprints will be taken at the Sheriff's Jail when transported after being interviewed, tested, etc.
D. Wright County Jail and Intake forms will be completed for every person brought to the Wright County Jail:
    1. Arrest Report Form or Juvenile Referral, as appropriate;
    2. Detention Form (County Jail); and

    Intake information should enhance the ability of staff to ensure the health and security of the interviewee, the safety of others, security of property, and the positive identification of interviewees.

3-9-6 SEARCHES AND STRIP SEARCHES

Will be done at the Wright County Jail by Corrections Personnel.

3-9-7 JUVENILES

Delinquent juveniles will be separated by sight and sound at the greatest distance from adult areas. Ordinarily, this requires at least one vacant room between a juvenile and adult.

Juveniles will be processed in the facility separately and away from adults being processed.

Juveniles may be held under locked conditions for status offenses (truants, tobacco, curfew, runaway, incorrigibility). Ordinarily, these juveniles will be processed and kept in an unlocked room pending disposition of their case. But, if it is deemed necessary to place in a locked area, audio/visual equipment will be on to monitor the individual when available. The safety of the individual in the facility may warrant a locked disposition. Status offenders may only be locked up if their conduct constitutes an offense beyond the definition of status offender or for the safety of the individual within the facility. The officer will document that the juvenile was placed in a locked area.

3-9-8 SEPARATION OF INTERVIEWEES

Female Interviewees will be separated by sight and sound from male interviewees. Juvenile interviewees will be placed in a room with the greatest distance practical from a cell occupied by an adult. Emotionally disturbed interviewees will be separated from all other interviewees.

When interviewees are placed in rooms, there should be at least one vacant room between a juvenile and an adult, and between an adult female and an adult male, if available. Interviewees who have been identified as dangerous or have indicated a propensity toward

violence or are being interviewed on a mental commitment will be kept separate from all other interviewees. Any interviewee suspected of having a contagious disease will be kept separated from other interviewees.

3-9-9 VIOLENT/SELF-DESTRUCTIVE/INTOXICATED INTERVIEWEES

The interview area is not equipped to provide treatment to violent, self-destructive or intoxicated (alcohol or drugs) interviewees. The goal in handling such interviewees is to minimize the potential for injury to either themselves or staff.

Interviewees under the influence of drugs or alcohol will ordinarily be transferred to the County Receiving Center for detoxification or the Wright County Jail.

Violent or self-destructive interviewees will be handled in the following manner:

A. Officers should not attempt to subdue a violent or self-destructive interviewee alone. At least two officers should be present. Violent or self-destructive interviewees will be segregated from other interviewees as determined by the officer or Chief of Police.
B. The use of force against any individual will be commensurate with existing State law governing the use of force or applicable case law, whichever is appropriate for the given circumstances. Minnesota Statutes related to use of force will be included in the staff training program.
C. Instruments of restraint such as handcuff s, collars or leather restraints will be used in the following circumstances:
    1. As a precaution against escape during transfer, or any time the individual is moved from the interview area to another location; or to prevent a individual from injuring self or others; or from damaging property.
    2. On medical grounds, by direction of a physician or psychologist.

D. The restraints will not be applied for any longer time than is necessary.
E. Instruments of restraint will not be used as a means of punishment, nor will any individual be subjected to unwarranted physical or verbal abuse.

3-9-10 RECEIVING INDIVIDUALS FROM ANOTHER AGENCY

In the event an individual from an outside agency is being received, positive identification will be made of the person presenting the individual -- including verification of the person's authority to make the commitment.

If unknown, the person presenting the individual should be required to produce a badge and appropriate credentials, such as a commission card (preferably with a photograph) that certifies his/her authority to make the commitment. Phone calls may be necessary to verify the identity of the person.

3-9-11 GROUP ARRESTS

Groups of arrestees will be transported directly to the Wright County Jail.

3-9-12 IDENTIFICATION OF INDIVIDUALS

Prior to the release of a individual, the releasing officer will verify by appropriate means that the right person is in fact being released.

3-9-13 RETURN OF INTERVIEWEE PROPERTY

Property not retained for evidentiary or other purposes will be returned to individual upon release.

3-9-14 RELEASE OF INTERVIEWEES

If an officer releases an interviewee to another officer, or department, the officer is responsible for recording the full name of the responsible person in the case file.

Effective: 01/25/2019	Reevaluation Date: MARCH 2024

3-10 JUVENILES

3-10-1 PURPOSE

The concept of the juvenile court evolved from the medieval English doctrine of parens patriae, a civil concept instead of criminal justice. When a child's safety or welfare is threatened, the court is permitted to imitate family relations.

Children rely on dependency and supervision for survival. When the family is not active in the supervision and training of children the court must intervene to nurture, train, and supervise childhood. When children are at risk as shown by delinquent behavior, the court will decide what actions, programs, intervention, and treatment are in the child's best interest.

3-10-2 POLICY

It is the policy of the Buffalo Police Department to promote public safety and reduce juvenile delinquency by maintaining the integrity of the substantive law prohibiting certain behavior and by developing individual responsibility for lawful and orderly behavior. We represent children who may become victims of abuse, neglect, or exploitation. The policies contained herein shall be pursued through fair and just means that recognize the unique characteristics of the needs of children and that give children access to opportunities for personal and social growth.

3-10-3 PROCEDURES

3-10-4 JUVENILE CASE MANAGEMENT

3-10-5 COMMITMENT TO JUVENILE PROBLEMS

A. **Juvenile** - A person of the age defined by Minnesota Revised Statues as a "juvenile," and who is subject to jurisdiction of the Juvenile Court.
B. **Prevention and Control of Juvenile Delinquency** - The Police Department is committed to develop and maintain programs to prevent and control juvenile delinquency. All members of the Police Department share responsibility to support our juvenile operations.

C. **Juvenile Specialist** - The Officer's working in the school system serve as the juvenile specialists for the Police Department, or a designee of the Chief of Police.
D. **Evaluation of Juvenile Programs** - The Chief of Police evaluates juvenile enforcement and prevention programs annually and decides, based on thorough analysis, to extend, adjust, or end each program.

3-10-6 POLICE ROLE IN JUVENILE CASES

The police role is one of agent to the Juvenile Court. Responsibilities of the Department include:

A. Follow-up processing to arrests of juveniles;
B. Preparing and coordinating juvenile offender court cases;
C. Diverting juvenile offenders out of the juvenile justice system.
D. Designing and implementing programs intended to prevent and control delinquent and criminal behavior by juveniles.
E. **Parental Notification of Juvenile Contact:**

It is the position of this department that parents have a right to know when their child has been questioned or interviewed as a suspect in a criminal investigation. While it is not necessary, based on the prevailing law, to contact a parent prior to the interview, there is an expectation that the parent will be specifically notified of the interview as soon as it is practical, and in so far as the notification will not interfere with ongoing investigations.

In cases where a juvenile is interviewed as a suspect in a criminal matter and charges are later brought forward, individual contact should be made with the parent to inform them of the charges.

3-10-7 JUVENILE OPERATIONS

3-10-8 STATUTORY INFORMATION

A. **Definitions**

"Delinquent Child" means any child who has violated any State or Local Law, except for Petty Misdemeanor Traffic offenses, or "Juvenile Petty Offenses". (Ref. 260B.007 Sub 6)

"Juvenile Petty Offenses" includes Minor Consumption of Alcohol, Possession or Consumption of Tobacco by a Juvenile, or Possession of a Small Amount of Marijuana by a Juvenile. (Ref. 260B.007 Sub 16).

"Child In Need of Protective Services" means any child who:
Has committed a delinquent act or a juvenile petty offense before becoming ten years old; (Ref. 260C.007 Sub 12).
Is a Runaway (Ref. 260C.007 Sub 13).
Is a Habitual Truant (Ref. 260C.007 Sub 14).

B. **Detention – When Allowed**

- By Warrant (Ref. 260B.175, 260C.175)
- In accordance with the Laws of Arrest (Ref. 260B.175)
- When Probable Cause exists that the juvenile has violated the terms of their probation or parole, or other field supervision. (Ref. 260B.175, 260C.175)
- When the child is a Runaway (Ref. 260C.175).
- When the child is found in surroundings or conditions which endanger the child's health or welfare or which such peace officer reasonably believes will endanger the child's health or welfare. (Ref. 260C.175)
- When the child is Truant, and as outlined in section 260C.143. (Ref. 260C.175).
- When a Police Officer has probable cause to believe that a person has committed fifth degree assault on school property within the previous four (4) hours. (Ref. 629.343).

C**. Searches – When Allowed**

- May conduct a pat-down search of a juvenile if they are taken into custody. (Ref. 260B.175)
- May conduct a pat-down search of a juvenile if custody is authorized under section 260B, even if the child is not taken into custody. (Ref. 260B.175)
- May conduct a pat-down search of a juvenile where the Officer does not intend to take the juvenile into custody, if the Officer is authorized under section 260B.175 to take the juvenile into custody.
- In any other circumstance as allowed by law i.e. Terry frisk.

D. **Filing a Delinquency Petition – Who can file.**

"Any reputable person having knowledge that a child is a petty offender may petition the juvenile court in the manner provided in section 260B.141." (Ref. 260B.235 Sub2).

E. **Criminal Law Matters Related to Juveniles**

School Locker Searches: Generally, Police Officers need a search warrant to search a school locker. However, School Authorities may inspect the interior of a locker for any reason at any time, without notice or consent, when they have "reasonable suspicion" that a search will uncover evidence of a violation of law or school rules, as long as they are not acting under direction or suggestion of law enforcement.

Student Searches: Generally, Police Officers would need a search warrant to search a student, just as they would to search any other person. However, School Authorities do not need a warrant to search a student if reasonable grounds exist to suspect that the search will uncover evidence that the student has violated the law or school rules.

3-10-9 METHODS OF HANDLING JUVENILES

Use the most suitable and least coercive method that is in the best interest of the public and the juvenile. Follow the Juvenile Court Act for any method officers take. Police officers may:

- Release juveniles with no further action;
- Release juveniles for supervision as agreed to by parents;
- Refer juveniles to social service agencies for treatment;
- Refer juveniles to the Juvenile Court.

3-10-10 CONSIDERATIONS FOR DIVERSION

Consider at least the following factors when choosing the method to handle a juvenile:

A. **Nature of Alleged Offense** - Refer juveniles to Juvenile Court unless justifiable circumstances dictate a choice for custody.
B. **Age and Circumstances of Alleged Offender** - Officers may release the juvenile to parents or guardians if satisfied they will take necessary action to deter further violations.
C. **Offender's Criminal History Record** - Weigh the criminal history record of a juvenile offender, including past contacts with police officers.
D. **Availability of Community Rehabilitation Programs** - Officers may refer juveniles to social service agencies for treatment when programs are available for juvenile and parents agree to use rehabilitative options.
E. **Cooperation of the Parents or Guardian** - The Juvenile Officer of Juvenile Court may request that the juvenile follow certain behavior change rules while at home.

3-10-11 CRIMINAL OFFENSES COMMITTED BY JUVENILES

While a situation may dictate another course of action, officers ordinarily refer juveniles at intake to the Juvenile Court for the following offenses:

3-10-12 DEFINITIONS

A. **Adult Felony Acts** - Offenses committed by a juvenile which would be a felony violation for an adult.
B. **Weapons Involved** - Offenses committed by a juvenile using a weapon (i.e., armed robbery).
C. **Gang Related Offenses** - Serious offenses committed by a juvenile as part of a gang.
D. **Assaults** - An offense of assault on another person committed by a juvenile.
E. **Repeat Offenses** - A juvenile commits any offense while being adjudicated (within the preceding twelve months), while on probation, or while another case is pending in court.
F. **Refusal of Diversion Program** - Officers send juveniles to a diversion program, but they refuse to participate.
G. **Parental Supervision Futile** - The Department determines parental supervision is not effective.

3-10-13 36 HOUR HOLD

If the juvenile commits an offense that is particularly serious or significant, the child can be placed on a 36 Hour Delinquency Hold. This will most likely be used infrequently, and officers may wish to consult with a supervisor and/or the responsible charging attorney before placing a child on this type of hold.

3-10-14 RELEASE TO ADULT

If officers are not placing the offender on a 36 Hour Delinquency Hold, the offender must be released directly to a parent or other responsible adult. (**No Exceptions**)

- Take the offender into custody, or maintain care and control over the juvenile.
- Make contact with a parent of the offender, and strongly encourage them to come to the police department or the stop scene to retrieve their child. If the parent absolutely refuses to come and retrieve their child, they should be advised that the child will be placed in foster care at their expense and we will be notifying Human Services and the County Attorney of their inaction. If the parent cannot come to the police department or stop scene, due to illness, lack of transportation, etc., the Officer may transport the child home, providing it is within a reasonable travel distance.
- If officers cannot locate a parent for the child, or as a last resort at the request of the parent, the child can be released directly to another responsible adult upon the promise that the adult will act as guardian for the child, and the adult will take responsibility for the child. The full name, DOB, and address of the adult must be included with the report.
- If officers cannot locate a parent or other adult that will be responsible for the child, the child is to be placed. Officers should complete a 72 Hour Health & Safety Hold form for the child.

3-10-15 SCHOOL EXCEPTIONS

School Officials may assume responsibility for a student, and/or responsibility for notification of parents, following a Status or Criminal Offense. When this occurs, the Officer shall ensure that the School Official understands their responsibility. The Officer shall record the responsibility and notification information in their report.

3-10-16 DIVERTING JUVENILE CASES

In addition to referring them to Juvenile Court, consider at least the following alternative actions for handling juveniles:

A. **Verbal Warnings** - Officers may give a verbal warning for minor violations and release with no further action.
B. **Voluntary Actions** - Officers may allow parents or guardians to voluntarily place the juvenile in a social service agency program, or other program.

C. **Parental Conferences** - Officers may hold a conference with parents or guardians for corrective action and informal referral.
D. **Delinquent Diversion Program –** First-time and minor offenders may be diverted through the City's delinquent offender program.
E. **Citations** - Officers may issue written citations for traffic offenses to juveniles having a valid driver's license as State Revised Statutes authorize.

3-10-17 JUDICIAL CUSTODY OF JUVENILES

The same degree of probable cause is necessary to take a juvenile into judicial custody and the same degree of proof is necessary to convict a juvenile as necessary to arrest and convict an adult.

3-10-18 TAKING JUDICIAL CUSTODY

Officers may take a juvenile into judicial custody:

A. Under an order of the Juvenile Court;
B. Under the laws of arrest applicable to adults;
C. When a misdemeanor offense is committed in the presence of the officer, or has been witnessed by others who are willing to fill out a citizen's arrest form;
D. For a felony on probable cause;
E. For status offenses when the minor needs authoritative intervention

3-10-19 ORDER OF JUVENILE COURT

State Revised Statutes empower the Juvenile Court with exclusive jurisdiction for limited or temporary custody when a juvenile is:

A. **In Need of Care** - The child or juvenile is in need of care, treatment, or support resulting from:
    - parental neglect or abuse;
    - loss of family;
    - absence without consent of the parent, guardian or custodian;
    - illness or injury needing care, medical treatment or hospitalization;
    - in danger of personal harm because of dangerous environment, behavior, or association which threatens the juvenile's or other person's welfare or physical safety.
B. **A Ward of the Court** - The Juvenile Court adjudges a juvenile as a ward of the court and continues jurisdiction because of:
    - escape from court ordered commitment;
    - mental incompetency needing supervision.

3-10-20 JUVENILE STATUS OFFENSES

The following noncriminal behaviors are illegal for juveniles:

- Runaway;
- Truancy;
- Injurious Behavior; and
- Incorrigibility.

A. These offenders can be placed, but this option should be used sparingly. Status offenses are not considered "crimes", and therefore these juvenile offenders cannot be jailed. However, if officers feel it is necessary, officers can fill out a 72 Hour Health & Safety Hold form, and have them placed. Again, this option should be used in circumstances where we have a severely habitual offender, where we don't believe the offender will discontinue their illegal behavior, or where the parent refuses the child and/or the child states they will not remain at the location.

B. If officers are not placing the offender on a Health & Safety Hold, the offender must be released directly to a parent or other responsible adult. (See Exceptions)
   - Take the offender into custody, or maintain care and control over the juvenile.
   - Make contact with a parent of the offender, and strongly encourage them to come to the police department or the stop scene to retrieve their child.
   - If officers cannot locate a parent for the child, the child can be released directly to another responsible adult upon the promise that the adult will act as guardian for the child, and the adult will take responsibility for the child. The full name, DOB, and address of the adult must be included with the report. The responsible adult must be advised that they are assuming the responsibility for notifying the juvenile's parents of the incident.
   - If officers cannot locate a parent or other adult that will be responsible for the child, the child is to be placed.
   - EXCEPTIONS:
     1. If the Status Offense is for Tobacco, and the child is old enough to care for themselves, they may be released. However, parental notification is still required as soon as possible.
     2. If the parent absolutely refuses to pick-up the child, or if the parent cannot come to the police department or stop scene, due to illness, lack of transportation, etc., the Officer may allow the child to be picked up by another adult or drive them home as a last resort, providing it is within a reasonable travel distance. If the travel distance is unreasonable, and the parent will not pick up the child, or states that they cannot pick up the child, the child should be placed. If the Officer transports the child home due to an inability or unwillingness of a parent to pick up the child, the parent is to be notified that if future violations occur, and they are unable to retrieve their child, the child will be placed in foster care at their

expense, we will notify human services of their inaction, and they could face criminal charges of neglect.

3-10-21 PROCESSING JUVENILES IN CUSTODY

3-10-22 CUSTODIAL RESPONSIBILITIES

State Revised Statutes call for officers to follow these procedures for juveniles in judicial custody:

A. **Constitutional Rights** - Juveniles in judicial custody should be notified of their constitutional rights prior to any questioning.
B. **Transport to Intake** - Promptly transport juveniles in judicial custody to the Police Department or other suitable placement facility.
C. **Notice to Juvenile Officer** - Notify the Juvenile Officer of Juvenile Court about each juvenile officers take into judicial custody. Furnish all facts about any persons interested in and having legal custody of the child and reasons for custody.
D. **Notice to Parents or Guardian** - Make a reasonable effort to promptly notify the parents or guardians when officers take a juvenile into judicial custody or when the Department is holding a juvenile. If officers are unable make immediate contact, continue with reasonable efforts to establish contact.
E. **Status Offender** - Contact the Juvenile Officer of Juvenile Court for proper disposition or other actions to place juveniles officers take into custody for status offenses.

3-10-23 JUVENILE OFFICER OF JUVENILE COURT

Only the Juvenile Officer of Juvenile Court shall interview or interrogate juveniles during detention. The Juvenile Officer of Juvenile Court may:

A. Take a juvenile directly to their home or Juvenile Court.
B. Order the Department to temporarily detain a juvenile;

3-10-24 HOLDING JUVENILES IN JUDICIAL CUSTODY

Do not hold a juvenile in judicial custody with adults. Immediately release juveniles to their parents, guardian, or other responsible adult unless the Juvenile Officer of Juvenile Court orders them held.

3-10-25 PROCESSING JUVENILE OFFENDERS

The policy of the department is to utilize the most appropriate and least forceful alternative when disposing of cases involving juvenile offenders consistent with preserving public safety, order and individual liberty. These alternatives include the following:

A. Warn and Release: (Self explanatory, field report filled out at discretion of officer.)

B. Referral to Court: A juvenile may be referred to juvenile court when the offense involved is of a nature serious enough to warrant action beyond a verbal warning. The decision is made by the arresting officer. The referral is accomplished in one of two ways:

1. A citation will be issued to the juvenile for any offense that may be handled through adult traffic court (this generally means only petty misdemeanor traffic offenses); or
2. All other juvenile charges will be initiated through formal referral to the County Attorney through the filing of a juvenile offense form.

If the juvenile is taken into custody, and barring exigent or exceptional circumstances described in this standard, the juvenile offender will ordinarily be released to a competent adult following necessary identification and related processing. A competent adult includes:

1. Parent;
2. Legal guardian or custodian;
3. Other relative, neighbor or adult whom the officer reasonable believes will notify the juvenile's parents or guardian of the offense and who will assume responsibility for and custody of the juvenile.

C. Incarceration in a Juvenile Detention Facility: It is the policy of this agency not to incarcerate juvenile offenders absent exigent or exceptional circumstances.

Examples of exigent or exceptional circumstances include:

1. Offense of a violent nature;
2. Situations where the juvenile reasonably presents a danger to himself or others;
3. The juvenile reasonably may be deemed likely to abscond from his/her legal residence; or
4. Repeated unsuccessful attempts to notify and locate each competent adult.

The decision to refer a juvenile to a juvenile detention facility will be made by the officer in charge and with the approval of court services when required.

Juveniles will not be referred to a juvenile detention facility for secure confinement for the convenience of department personnel to make the juvenile readily available for questioning or as a punitive measure.

Notification of a competent adult should be accomplished as soon as practical after detention or arrest of juveniles. The name, relationship, address, telephone number, and time of notification or attempted notification should be entered in the appropriate field reports by the officer.

3-10-26 DIVERSION OF JUVENILES

Diversion of juveniles, other than warn and release, is decided by the juvenile justice system with input from the officers and agencies involved. In making recommendations to the juvenile court division regarding diversion of juveniles, officers will consider the following factors:

A. The nature of the alleged offense;
B. The age and circumstances of the alleged offender and victim;
C. The alleged offender's record;
D. The availability of community-based rehabilitation programs.

3-10-27 RELEASE PROCEDURES FOR JUVENILES

At times a delinquent act committed by a juvenile may be remedied by the responding officer in the field without formal processing, as in the case of curfew violations and minor disputes for example. Alternatives available to the officer include but are not necessarily limited to:

A. Warn and release;
B. Informal referrals (church, school, private organization, or local health organizations);
C. Corrective action by parents; and
D. The dropping of charges or refusal of complainant to prosecute.

When a juvenile is taken into custody by this agency under one of the above listed alternatives, the officer may, after obtaining pertinent information for an incident report, release the juvenile to a parent, adult relative, or adult neighbor who agrees to be responsible for the juvenile until the parents are available. An adult is defined as a person 18 years of age or older.

If no adult supervision is available, the child may be placed in a shelter home by the officer.

3-10-28 REFERRAL OF JUVENILE OFFENDERS TO INTAKE

The intent of the following policy and procedural guidelines is to provide the individual officer with departmental assistance in making the discretionary decisions called for in the day-to-day performance of the officer's duties pertaining to juveniles. The guidelines are set forth to convey to the officers of the department and the general public the goals and objectives to be achieved in providing for the well being and safety of persons and the community at large.

Police contacts with juveniles will emphasize respect for juveniles, as individuals, with due regard for their Constitutional Rights.

In dealing with juveniles, more than anywhere else in the police function, officers are given wide latitude to make judgments within the concept of what is in the "best interests" of the child. Within these constraints, however, the following general principles and precepts are set forth to establish the philosophical parameters for decision-making and to satisfy the need for consistency and uniformity. More specific operational guidelines will follow in later sections of this chapter.

A. Departmental personnel recognize that the primary responsibility for child rearing is vested in the family structure, and when a serious lapse in meeting this obligation occurs, police intervention may occur.
B. The Police Officer is often the first community representative, and possibly the most significant, to come in contact with children in trouble with the law or in need of protective assistance. The handling of juveniles calls for sincere concern on the part of the officer and the application of inter-personal skills to determine the facts, to mediate and diffuse conflict, and to offer constructive suggestions for temporary or long-term solutions.
C. When children are taken into custody, their parents or guardians should be notified as soon as practical. They should be informed of the basic facts of the unlawful behavior of their children. Their cooperative involvement in handling the situation should be actively sought.
D. Since the accomplishment of societal goals for juveniles cannot be achieved solely by police intervention, every effort should be made to work cooperatively with other community agencies, schools, the juvenile court and interested citizens in a community-centered approach to solving personal adjustment problems.

Juvenile referral to the juvenile court system should be restricted to those cases involving criminal conduct or repeated status offenses. In general, delinquent acts requiring referral to the juvenile justice system would include:

A. Delinquent acts that if committed by an adult would be a criminal act;
B. Delinquent acts involving weapons;
C. Gang-related delinquent acts;
D. Delinquent acts involving assault;

E. Delinquent acts committed by juveniles on probation or parole or by those with a case pending;
F. All repeated delinquent acts;
G. Juveniles who have been selected for a diversion program but have refused to participate; and
H. Cases in which it has been determined that parental supervision is not effective.

3-10-29 CITATIONS FOR JUVENILES-PETTY MISDEMEANOR TRAFFIC

Juveniles who are being charged with petty misdemeanor traffic offenses (anything where the juvenile has the opportunity to appear in adult traffic court) can be released with a citation, without further action.

When allowed by law, written citations should be used rather than taking juveniles into custody.

3-10-30 TAKING CUSTODY OF JUVENILES

Minnesota Law authorizes police officers in specific instances to remove children from their home and place them in protective custody where a situation exists which is likely to endanger the health or safety of the child.

Minnesota Law also authorizes police officers to place children in police custody when they exhibit certain behaviors such as intoxication or delinquency and their presence in the community would endanger their health or welfare or the welfare of others.

Minnesota Law also authorizes police officers to place children in protective custody and transport them to psychiatric hospitals when the children exhibit psychiatric symptoms which would endanger the child's health or welfare or the welfare of others.

A. Protective Custody:
   When a situation exists which is likely to endanger the health or safety of a child, the officer may take the child into custody and place the child in a shelter facility or emergency foster home. Concurrent with the placement an officer must:
   1. Advise the child and, as soon as is possible, the child's parent, guardian or custodian:
      a. Of the reasons why the child has been taken into custody and why the child is being placed in an emergency foster home or a shelter care facility; and
      b. Of the location of the foster home or shelter care facility. If there is reason to believe that disclosure of the location of the home or facility

would place the child's health and welfare in immediate endangerment, disclosure of the location of the shelter care facility shall not be made; and

c. That the child's parent, guardian or custodian and attorney or guardian ad litem may make an initial visit to the foster home or shelter care facility at any time. Subsequent visits by a parent, guardian or custodian may be made on a reasonable basis during visiting hours and by the child's attorney or guardian ad litem at reasonable hours; and
d. That the child may telephone parents and an attorney or guardian ad litem from the foster home or shelter care facility immediately after being admitted to the facility and thereafter on a reasonable basis to be determined by the director of the facility; and
e. That the child may not be detained at a shelter care facility longer than 72 hours, excluding Saturdays, Sundays and holidays, unless a petition has been filed within that time and the court orders the child's continued detention; and
f. Of the date, time and place of the detention hearing; and
g. That the child and the child's parent, guardian or custodian have the right to be present and to be represented by counsel at the detention hearing, and that if they cannot afford counsel, counsel will be appointed at public expense for the child, if it is a delinquency matter, or for any party, if it is a dependency, neglect, neglected and in foster care, or termination of parental rights matter.

2. Complete a "Notice of 72 Hour Police Health and Welfare Hold" form, which is required by Wright County Social Services. The form must be filled out completely by the police officer, and the form must be signed by the social worker, temporary foster parent, or shelter facility worker who received the child.
3. File the "Notice of 72 Hour Police Health and Welfare" the next working day.
4. Notify Social Services of the placement the same or next working day. A child may not be detained longer than 72 hours excluding Saturdays, Sundays and holidays. Placements beyond 72 hours may continue only if ordered by the Juvenile Court. These orders will be sought by Child Protection Workers of County Social Services.
5. Children taken into protective custody may not be detained in a secure detention facility. A child

may be placed in an emergency foster home or shelter facility. Emergency foster homes are provided by County Social Services. Telephone numbers for appropriate agencies are maintained by Central Communications.

6. Whenever a juvenile is taken into custody and placed on a hold, the placement is to be treated as a custodial situation for purposes of reporting. Regardless of the purpose for the placement (arrest or safety hold), officers are to complete police reports as directed in section 70.2.9 of this manual.

B. Detention Due to Intoxication:

Under most circumstances, an intoxicated minor must be released to parents or legal guardians. A minor may be detained at a Detoxification Center if the following criteria are met:

1. The minor must be intoxicated and his/her parents refuse or are unable to control the minor in his/her intoxicated state; or
2. The minor must be intoxicated and his/her parents or other responsible adult cannot be contacted.

If detention is requested, the detaining law enforcement department must complete a "Notice of 72 Hour Police Health and Welfare Hold" form. The form must be signed by the receiving person of the Detoxification Center and filed with the Juvenile Court the same or next working day. The County Receiving Center requires the a "Detoxification Pickup" form be completed by the law enforcement officer for the minor to be admitted. In any case, the minor must be released within 72 hours of the placement unless there is a court order stating that placement be continued.

Exception: If the original law enforcement contact arose from a delinquent act, and a delinquency petition will be sought, follow the procedure for detaining a minor for delinquent behavior.

C. Detention Due to Delinquent Behavior:

A juvenile may be detained at a foster home, shelter or detention center if the following criteria are met:

1. A warrant has been issued by the Juvenile Court instructing detention of the juvenile; or;
2. Probable cause exists for delinquency charges to be filed and there is a reasonable basis to believe that:
    a. The child or others would be endangered if the child is release; or
    b. The child would not appear for a court hearing (history of running or history of not appearing for court); or

c. The child would not remain in the care or control of the person to whose lawful custody the child would be released; or
d. The child's health or welfare would be immediately endangered.

3. If detention is requested because a delinquent act has been committed, the detaining law enforcement department must:
   a. Complete a "Detention Request" form and leave a copy with the detaining facility.
   b. File a copy of the "Detention Request" form with the Juvenile Court on the same or next working day so that a detention hearing can be scheduled within the required 24 hours.
   c. Notify the County Attorney's Office by telephone as soon as possible on the same or next working day to make arrangements to come in with police reports to prepare and file a Delinquency Petition with the Juvenile Court within 36 hours.

Juveniles whose detention is due to delinquent behavior may be detained in shelters or secure detention facilities. During regular working hours, Court Services will assist in making arrangements for detention. Evening and weekend detention may be arranged in the following manner:

1. Shelter Facility: Call Wright County Human Services, or make arrangements through Central Communication (Dispatch).
2. Secure Detention Facility: All requests for secure detention of juveniles will be made through the Wright County Jail.

D. Placement Due to Psychiatric Emergency:

Under most circumstances, parents or guardians retain responsibility to provide for counseling, psychiatric services or safety monitoring of a minor. A minor may be placed in a psychiatric hospital if there is psychiatric symptomology with dangerousness issues (i.e., suicidal or homicidal thoughts) and parents or legal guardians are unable or unwilling to provide for the minor's safety.

If hospitalization is recommended, an officer must:

1. Contact parents.

2. Complete a "Notice of 72 Hour Police Health and Welfare Hold" form, which is required by County Social Services. The form must be filled out completely by the police officer and signed by the person who receives the minor.
3. When transporting to a hospital, complete a Transport Hold Order form.
4. File the "Notice of 72 Hour Police Health and Welfare Hold" form with the Juvenile Court on the same or next working day.
5. Notify Wright County Social Services the same or next working day about the placement of the minor and the reason for placement.

NOTE: If placement in a shelter or foster home is recommended, follow the procedure for placement of minor in need of protective custody.

3-10-31 PROCESSING OF JUVENILES IN CUSTODY

A. Custodial interrogation; Full Miranda advisory required.

1. Voluntary and intelligent waiver of right to remain silent and right to an attorney are required; the juvenile must state that he understands his rights and is willing to give them up; officers must document the juvenile's waiver.
2. The "totality of circumstances" test will be used in determining interrogation methods and procedures. The elements to be considered include:
    a. Juvenile's age.
    b. Juvenile's maturity, sophistication
    c. Juvenile's intelligence, intellectual functioning
    d. Juvenile's education
    e. Juvenile's experience
    f. Juvenile's ability to comprehend
    g. Presence and competence of juvenile's parents (their presence is <u>not</u> constitutionally required), State VS. Hogan, 212 NW 2d 664 (MN 1973)
    h. Juvenile's prior police contacts
    i. Juvenile's demeanor, emotional state, attitude toward offense, attitude toward interrogator
    j. Juvenile's health, alertness, illness, food, sleep, drugs/alcohol
    k. Arrest, use of weapons, handcuffs, search
        I. Place of interrogation:
            i. Police Department/neutral setting
            ii. Number of people present, determined by the circumstances involved and officers involved
            iii. Condition of area
            iv. Door open or shut

m. Contacts allowed with parents, relatives, counsel

n. Interrogation:

I. Number of officers/severity of the incident

II. Length of questioning

III. Use of ploys

IV. Threats, promises

B. Juveniles taken into custody will be placed in a shelter home or juvenile detention center as soon as practical after being taken into custody. A juvenile referral/detention report must be completed and accompany the juvenile to whatever facility is used.

If the juvenile is in need of medical treatment or attention, the officer will summon paramedics to the scene and have the juvenile treated at an appropriate medical facility.

C. The arresting officer will, as soon as practical,, notify the juvenile's parents or guardians of the fact that they have been taken into custody. The following information shall be given to the parent or guardian in addition to the notification:

1. Reason for detention.
2. Place of detention.
3. Right to an initial visit at any time.
4. That juvenile may be detained no more than 36 hours, excluding Sunday and holidays,

unless a petition has been filed and the court orders detention after a hearing. The inability of this agency to contact the juvenile's parents will not serve to delay an interview or interrogation of a juvenile subject.

3-10-32 CUSTODIAL INTERROGATION OF JUVENILES

There are four different categories to consider when interviewing Juveniles:

A. Victims
B. Witnesses
C. Suspect – Not In Custody
D. Suspect/Arrestee In Custody

In situations where the Juvenile is a Victim or a Witness, the rules pertaining to Parental Notification and/or Miranda do not apply. However, the Officer should consider the seriousness of the offense, and may wish to contact a parent prior to any questioning if circumstances dictate.

In cases where the Juvenile is In-Custody, the rules associated with Miranda and Scales apply and must be employed.

In cases where the Juvenile is a Suspect and is not In-Custody, there are several areas to consider.

A. Request to Speak with a Parent: A juvenile's request to speak with a parent does not automatically invoke either the right to an attorney or the right to remain silent. Thus, interrogation of a juvenile does not need to stop simply because the juvenile has requested to speak with a parent. However, remember that a court will consider the juvenile's request to speak with a parent and how it was handled by police in determining the validity of any waiver and voluntariness of any confession by the juvenile.

B. Voluntariness of Waiver of Rights: When deciding if a juvenile has voluntarily waived their right to remain silent, remember that the court will look at the totality of the circumstances of the interrogation, including the following factors:

1. Age
2. Maturity
3. Intelligence
4. Education
5. Prior criminal experience
6. Physical Deprivation
7. Presence or absence of Parents
8. Length and legality of detention
9. Lack or adequacy of warnings
10. Nature of Interrogation.

The courts will view this from the juvenile's perception, not the officer's perception.

C. Notification of Possible Adult Prosecution: Not advising a juvenile that they could be prosecuted as an adult does not automatically invalidate the waiver of rights. However, the Minnesota Supreme Court strongly encourages police to advise of possible adult prosecution where warranted. Remember that juveniles are usually only certified as adults in the most serious felony offenses.

D. Voluntariness of Statements: In addition to the consideration of the waiver of rights, the court may look at the following items in consideration of whether or not the statement was voluntary.

1. Place of interrogation; police department, office, conference room, etc.
2. Number and identity of people present.
3. Uniformed or Non-Uniformed presence.
4. Door open or shut
5. Contacts allowed with parents, relatives, case manager, counsel, etc.
6. Severity of incident.
7. Length of questioning.
8. Use of ploys
9. Threats/promises

E. School Settings: When interviewing students in a school setting, Officers should also consider the following.

1. The Officer shall request permission from the building administrator to conduct an interview of a juvenile student. Note: Permission for interviews of this type is considered ongoing and implied in situations where a School Resource Officer is involved.

2. The interview should be conducted as quickly as possible, not removing a student from their classroom for longer than necessary.
3. If the interview was preceded by involvement by a school official, the Officer should confirm with the school official if they have contacted the parent and if so, whether they were advised that the situation has been referred to the police for further investigation.
4. If the juvenile is arrested or charged, the parent is to be notified as soon as is practical.

Interrogations, interviews and questioning of juveniles will be conducted with full regard for principles of fundamental fairness and be so structured as to insure the maximum protection of the juvenile's Constitutional rights. Officers should exercise good judgment in accepting a waiver from a juvenile. The child's physical condition, age, intelligence, educational level, prior experience with the juvenile justice system, and the child's ability to comprehend the meaning and effect of the child's statements should be carefully evaluated in each case.

A. Juveniles who are taken into custody and interrogated will be advised of:
    1. Their right to contact a parent or other responsible advocate;

    2. Their other rights under the Miranda decision.

    Although it is not required that a parent be present during the Miranda Warning, and during the interrogation of a juvenile, officers should carefully consider whether the juvenile is able to give a knowing and intelligent waiver of their rights, prior to proceeding. Officers should consider the factors in this section in making this determination.

    If the parents are contacted, advised of the allegations against their child, and further advised of the child's rights, they may consent to interrogation in their absence and the statement will probably be admissible in subsequent court proceedings.

    If reasonable effort is made to contact the juvenile's parents and they are unavailable, another adult who can advise the juvenile should be contacted. A statement taken in this manner may be inadmissible, however, an argument for its admissibility can be made based on the good faith efforts and substantial compliance with the Rules.

B. In instances when there is a difference of opinion between a juvenile and the juvenile's parents regarding whether or not a juvenile will agree to speak with an officer regarding a suspected criminal offense, if the juvenile has the rational capacity to pursue the juvenile's best interest, the juvenile's wishes will prevail.

C. Juveniles taken into protective custody do not have to be advised pursuant to Miranda, but must receive a full explanation of why such action is taken.
D. The procedures used by officers when processing a juvenile will be explained to the juvenile as the process progresses by the arresting or interrogating officer.

The parent or legal guardian of any juvenile taken into custody will be contacted as soon as practical by the officer making the arrest. The juvenile will be informed of the arrival of a parent or guardian and will be allowed to converse with the parent or guardian if they wish.

Not more than two officers will be directly involved in an interrogation at any time. The mere presence of three or more officers in a field situation is not prohibited, but when practical, the number of officers should not exceed the number necessary to control the situation at hand.

Interrogations should not last longer than is necessary to gain adequate information on the matter of concern. In no case should an interrogation last longer than three hours without supervisory approval. In such a case, the supervisor should assess the matter with the following factors considered before permitting
continuance:

1. Age of juvenile
2. Location of interview
3. Maturity of juvenile
4. Gravity of offense

Juveniles will be allowed breaks for personal necessities.

3-10-33 LISTING OF SOCIAL SERVICE AGENCIES

It is essential that department members generally and juvenile specialists particularly are aware of the alternatives and resources available to them in responding to the needs of juveniles.

A listing of applicable social agencies providing services to juveniles will be maintained and updated by the Wright County Social Services and Wright County Attorney's Office.

Some of these agencies include:

Wright County Social Services

Wright County Child Protection
Wright County Court Services

Information on specific services provided by these and other community organizations will be made available through County Social Services and the County Attorney's Office.

3-10-34 IDENTIFICATION OF JUVENILES

The following procedures will be followed for identification of juveniles:

A. Photographs:
    1. Court order always required (exception: photo permitted if arrested for DUI or Aggravated DUI, MS SS260.161, Sub. 3[a]);
    2. County Attorney can obtain order within 36 hours if the officer submits preliminary incident report stating why needed (e.g., investigation, public safety, lineup, welfare of child);
    3. Report of Photographs must be filed with Juvenile Court;
    4. Permissible reasons to photograph; Rule 18.04:
        a. Necessary for the welfare of the child;
        b. Necessary for public safety;
        c. Necessary for investigation of a delinquent act;
        d. As evidence of a lineup.

B. Lineup: Special rules apply to when it is permissible to fingerprint, photograph, or place a juvenile in a physical line-up. Additionally, other special rules also apply to the release of records related to juvenile incidents and involvements. In these cases, Officers should check with a supervisor or the County Attorney prior to proceeding.
    1. Generally: A child detained may be placed in a lineup.
    2. Exception: A child may choose not to participate in a lineup which is not related to the matter for which the child is detained unless ordered by the court.
    3. Right to Counsel: A child has the right to have counsel present when placed in a lineup related to an act for which a petition has been filed alleging the child to be delinquent.

4. Report: A report stating the name of the child who participated in the lineup and the date of the lineup shall be filed with the court.

C. Fingerprints:
    1. Without court order if:
        a. Child in custody; and
        b. Alleged to have committed felony.
    2. May obtain search warrant to fingerprint.
    3. May obtain court order to fingerprint.
    4. In all cases, a report of every juvenile fingerprint must be filed with Juvenile Court.

D. Report:
    1. Even if officers ultimately do not refer for charging, reports must still be filed. Send to Juvenile Court officer report of fingerprint or statement that photograph has occurred pursuant to court order, along with officer incident reports detailing why child was suspected of a felony.
    2. MS SS260.161, Sub. 3, requires juvenile fingerprints and photographs be kept separately from those of adults.

E. Other forms of juvenile identification (including physical samples of hair, blood, urine, nails, breath or stomach contents) will be obtained, retained and disseminated according to Juvenile Court Rules and interpretation by the County Attorney.

3-10-35 JUVENILE RECORDS PROCEDURES

A. The Buffalo Clerical/Communications Division is responsible for the collection of juvenile records and dissemination of such records to appropriate units within the agencies.
B. Records of juveniles will be maintained separate from adult records.
C. Juvenile records will not be disclosed except on a need-to-know basis. Officers needing access to juvenile records for follow-up investigations may access these records. Requests from other law enforcement agencies for juvenile records will be in writing and response to these requests by Clerical personnel shall be made within a reasonable time. Records of juveniles will not be disclosed to the public except by court order, with the exception of those records mandated by state law to be released.
D. Traffic investigation reports may be open to inspection by a person who has sustained physical harm or economic loss as a result of the traffic accident.
E. Notice shall be given by this agency to the school district's Chemical Abuse Pre-Assessment Team of any student's violation of Minnesota Statute 152.09, Subit. 1

(manufacture, sell, give away, barter, deliver or distribute, or possess with intent to manufacture, sell, give away, barter, deliver or distribute a controlled substance), or 340A.503 (consume and/or possess alcoholic beverage) as per Minnesota Statute 126.

F. Juvenile records which by court order must be expunged will be processed as soon as practical. The expungement shall include the juvenile file, any cross references, and any computer reference to the record.

3-10-36 JUVENILE RECORDS ACCOUNTABILITY

It is essential to ensure access to juvenile records is provided only for necessary and proper purposes. The appropriate supervisor is responsible for the collection of juvenile records and dissemination of records to appropriate agency units. Retention and protection of juvenile records is the responsibility of the Records Management Staff and the Chief of Police.

3-10-37 SCHOOL RESOURCE OFFICER (SRO) EXCEPTIONS

The police department uses SROs in a full-time capacity in both the middle school and the high school. SROs have three different responsibilities within the schools: Enforcement of laws, Education of students, staff, and parents, and Engagement of students. Because SROs perform a dual role, operating both as a police official and as a school district official, it is necessary to outline some specific parameters that govern each of these activities.

A. Enforcement. In situations that involve enforcement of the laws, SROs are expected to follow all of the guidelines set forth in this policy manual that relate to investigating and reporting criminal activity.

B. Education. SROs are encouraged to engage in the educating of students, staff, and parents, regarding issues that are pertinent to their respective roles. SROs should report this information to their direct supervisor so that a record of activity can be maintained.

C. Engagement. Engagement refers to direct one-on-one interactions by the SRO with students, whether in a formal or informal setting. These different types of engagement will be handled differently.

    1. Informal Engagement. SROs will likely have numerous informal engagements with students on a daily/weekly basis. These interactions may involve check-ins of a wide variety, or they may involve general discussions or encounters. These items are not required to be reported, other than through categories identified in the monthly SRO reports, and only where appropriate.
    2. Formal Engagement Situations. This type of engagement involves the SRO performing an intentional role as a mentor/coach/counselor. SROs will report the number of formal engagements to the police department for statistical

purposes. A formal engagement may result from a variety of situations, including but not limited to:

a. Criminal Charges: This includes incidents in which the student has been criminally charged, with an emphasis on charges that are school related, though consideration may involve incidents that are not school related.
b. Chemical Use/Chemical Dependency: This includes instances that suggest the student has a chemical issue, regardless of whether this is school related, but could also involve situations in which the student is exposed to others who have chemical dependency issues.
c. Mental-Health: This includes situations in which factors suggest that the student is dealing with issues related to their own mental health, or where there is a concern over the student's exposure to others facing mental health issues that may be impacting the student.
d. Bullying: This would be focused on situations that are significant or persistent, and which pose a risk to the student's well-being.
e. Abuse-Neglect: This would involve any situation in which it is suspected that a student is a potential victim of abuse or neglect.

None of these categories are intended to suggest that formal engagement is mandatory; rather, knowledge of a student being subject to one of these categories is intended to prompt further consideration regarding engagement.

3. Formal Engagement Reporting and Cross-Reporting. In any case where an SRO intends to enter into a formal engagement with a student, the SRO will be required to construct a timely report regarding their interactions with the student. This report will not be a police department document, but instead it will be considered a school document that is part of the counseling services provided by the SRO as a school official. All reports generated in this capacity will be forwarded to the school that the student attends, in accordance with protocols established by the school.

4. Formal Engagement Waiver and Data Privacy. In all cases in which an SRO will enter into a formal engagement with a student, a signed waiver by a custodial parent or guardian will be required. This waiver will outline the services to be provided, the purpose for the interaction, and the data privacy issues involved in the engagement process. The waiver will include, at a minimum, the following information:

a. That the purpose for the engagement is for the SRO to act in a formal mentoring/counseling capacity in an effort to assist the student.

b. That the information exchanged with the SRO will be held in confidence, with the following exceptions:

    i. Information pertaining to any issue involving mandatory reporting will be forwarded to the police department.

    ii. Information exchanged with the SRO will be cross-reported to school counselors as part of this process, and where appropriate, information may be shared with the building principal or assistant principals.

    iii. If a situation occurs in the future that requires police involvement with the student, the SRO may provide information to the other officers involved if the SRO feels that this information may aid in resolving the police matter. In doing so, the SRO should be cautious and only release general information or information that is specific to the particular situation.

c. That while in a formal engagement process, the SRO will not attempt to solicit information from the student for the purpose of building a new criminal case, or in an effort to gather information pertaining to prior criminal acts for the purpose of using that information in any trial or court proceeding.

d. That the student's name and personal information will not be entered into the police database as a result of the formal mentoring/counseling process.

e. That the student or parent may discontinue the mentoring/counseling arrangement at any time by notifying the school counselor, principal, or the SRO.

e. That a copy of the waiver will be retained by the school, but not by the police department.

D. Disclosure. Although the information involved in any formal engagement with a student by an SRO is confidential, subject to the exceptions outlined in this policy, the SRO is permitted to disclose to other officers of this police department that they are involved

in such an arrangement with a student, if the SRO feels that a disclosure will benefit the student in a police involvement.

E. Reporting. To clarify, when they are in a formal mentoring/counseling engagement arrangement with a student, SROs are exempt from any and all reporting requirements of this policy manual, except for those that are identified in this section. Those include the following:

    1. Waiver forms must be signed and filed with the school prior to and as part of the engagement process.

    2. Reports regarding formal student engagement must be filed with the school in accordance with the process prescribed by the school.

    3. SROs must report the number of formal student engagements for each applicable reporting period as outlined by their supervisor.

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3-11 LABOR DISPUTES

3-11-1 PURPOSE

Negotiation and collective bargaining are legally recognized methods of peacefully settling labor disputes. The basic function, as it pertains to labor disputes, is to protect lawful rights of parties to the dispute, to prevent conflict from erupting into violence, and to take whatever action may be necessary to protect the lives and property, and to maintain public peace.

3-11-2 POLICY

The position of the Department and all departmental personnel with regard to labor/management disputes will be one of complete impartiality. Departmental personnel will, moreover, strive to avoid any actions which, though neutral in themselves, may give the appearance of partiality.

Officers shall make no public statements that reflect preference in the form of support or opposition for either side in a labor dispute or other labor relations matter or issue.

Officers shall not accept gifts of any sort, including food or beverages, from anyone involved in a labor dispute.

Officers should avoid unnecessary conversations with participants in labor disputes, such as pickets, company guards or other management or labor personnel, as this may give the impression of favoritism.

3-11-3 PROCEDURES

3-11-4 RESPECTIVE RIGHTS AND DUTIES:

The right to picket and disseminate information in a lawful and peaceful manner will be respected and protected.

Picketing and information dissemination shall be restricted to those areas which are or are considered to be public. In cases where the public nature of the premises is uncertain, picketing and information dissemination conducted peacefully should be presumed to be lawful by an officer unless the officer is told otherwise by their superior.

Picket lines shall not block public use of roads, sidewalks or public ways. Violence, threats of violence, deception, coercion or fraud on the part of any person(s), or on the part of any agent for any person(s), shall not be tolerated.

All citizens shall be guaranteed access to picketed premises, free from violence or threats against them.

Destruction or damage to property shall not be tolerated.

3-11-5 NOTIFICATION TO PARTIES INVOLVED

As soon as possible after the start of a labor dispute, the Department will undertake to acquaint both parties to the dispute with the Department's policies in this area, and with the manner in which they will be applied in the specific case. Whenever possible, such information will be provided to both parties in the presence of each other.

3-11-6 COMMUNICATIONS WITH PARTIES INVOLVED

Communications with both labor and management should be made through designated representatives of both sides. These persons in turn should be encouraged to pass on to those whom they represent the information or orders they received from the Police Department. Both sides should be encouraged to keep the Department informed of their intended activities.

3-11-7 ENFORCEMENT OF LAWS

All felonies committed during labor disputes will be handled by arrest. Serious misdemeanors and ordinance violations will also be handled by arrest or by a citation when applicable. Officers should be aware that the enforcement of minor offenses will depend upon the discretion of the supervisor or senior officer in charge that is present.

3-11-8 ENFORCEMENT OF INJUNCTIONS

No arrests shall be made for violations of injunctions or court orders unless the Department is specifically ordered to do so by the court.

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3-12 MISSING AND ENDANGERED PERSONS

3-12-1 PURPOSE

The Buffalo Police Department recognizes there is a critical need for immediate and consistent response to reports of missing and endangered persons. The decisions made and actions taken during the preliminary stages may have a profound effect on the outcome of the case. Therefore, this agency has established the following responsibilities and guidelines for the investigation of missing and endangered persons. All peace officers employed by this agency will be informed of and comply with the procedures contained in this policy.

3-12-2 POLICY

It is the policy of the Buffalo Police Department to establish guidelines and responsibilities for the consistent response to, and investigation of, all reports of missing and endangered persons as defined in MN STAT Chapter 299C.52, subd. 1 (c) and (d) ("Minnesota Missing Children and Endangered Persons' Program" referred to as Brandon's Law). This policy addresses investigations where the person has been determined to be both missing and endangered and includes all procedures required by MN STAT 299C.52.

The Buffalo Police Department recognizes there is a critical need for immediate and consistent response to reports of missing and endangered persons. The decisions made and actions taken during the preliminary stages may have a profound effect on the outcome of the case. Therefore, this agency has established the following responsibilities and guidelines for the investigation of missing and endangered persons. All peace officers, employed by this agency, will be informed of and comply with the procedures contained in this Model Policy.

3-12-3 PROCEDURES

3-12-4 DEFINITIONS

A. ***Missing*** has the meaning given it in MN STAT 299C,52, subd. 1 (d), "The status of a person after a law enforcement agency has received a report of a missing person, has conducted a preliminary investigation, and determined that the person cannot be located".

B. ***Endangered*** has the meaning given it in MN STAT 299C,52, subd. 1, (c), "A law enforcement official has recorded sufficient evidence that the missing person is at risk of physical injury or death. The following circumstances indicate that a missing person is at risk of physical injury or death:

1) the person is missing as a result of a confirmed abduction or under circumstances that indicate that the person's disappearance was not voluntary;
2) the person is missing under known dangerous circumstances;
3) the person is missing more than 30 days;
4) the person is under the age of 21 and at least one other factor in this paragraph is applicable;
5) there is evidence the person is in need of medical attention or prescription medication such that it will have a serious adverse effect on the person's health if the person does not receive the needed care or medication;
6) the person does not have a pattern of running away or disappearing;
7) the person is mentally impaired;
8) there is evidence that the person may have been abducted by a noncustodial parent;
9) the person has been the subject of past threats or acts of violence;
10) there is evidence the person is lost in the wilderness, backcountry, or outdoors where survival is precarious and immediate and effective investigation and search and rescue efforts are critical; or
11) any other factor that the law enforcement agency deems to indicate that the person may be at risk of physical injury or death, including a determination by another law enforcement agency that the person is missing and endangered.

C. ***Child*** has the meaning given it in MN STAT 299C,52, subd. 1 (a), "Any person under the age of 18 years or any person certified or known to be mentally incompetent".

D. ***NCIC*** means The National Crime Information Center.

E. ***CJIS*** means The Criminal Justice Information System.

F. ***DNA*** means "DNA" has the meaning given it in MN STAT 299C,52, subd. 1 (b), Deoxyribonucleic acid from a human biological specimen.

3-12-5 PROCEDURES

This agency will respond according to the following six types of general procedures:

- Initial Response

- Initial Investigation
- Investigation
- 30 Day Benchmark
- Prolonged Investigation, and
- Recovery/ Case Closure

3-12-6 INITIAL RESPONSE

1. As required by MN STAT 299C.53, subd. 1(a), Law Enforcement shall accept, without delay, any report of a missing person. Law enforcement shall not refuse to accept a missing person report on the basis that:
   a) the missing person is an adult;
   b) the circumstances do not indicate foul play;
   c) the person has been missing for a short amount of time;
   d) the person has been missing for a long amount of time;
   e) there is no indication that the missing person was in the jurisdiction served by the law enforcement agency at the time of the disappearance;
   f) the circumstances suggest that the disappearance may be voluntary;
   g) the reporting person does not have personal knowledge of the facts;
   h) the reporting person cannot provide all of the information requested by the law enforcement agency;
   i) the reporting person lacks a familial or other relationship with the missing person; or
   j) for any other reason, except in cases where the law enforcement agency has direct knowledge that the person is, in fact, not missing, and the whereabouts and welfare of the person are known at the time the report is filed.
2. Dispatch an officer, to the scene, to conduct a preliminary investigation to determine whether the person is missing, and if missing, whether the person is endangered.
3. Obtain interpretive services if necessary.
4. Interview the person who made the initial report, and if the person is a child, the child's parent(s) or guardian(s).
5. Determine when, where, and by whom the missing person was last seen.
6. Interview the individual(s) who last had contact with the person.
7. Obtain a detailed description of the missing person, abductor, vehicles, etc. and ask for recent photo of missing person.
8. Immediately enter the complete descriptive and critical information, regarding the missing and endangered person, into the appropriate category of the NCIC Missing Person File.
   a) As required by 42 U.S.C. 5779(a) (Suzanne's Law) law enforcement shall immediately enter missing children less than 21 years of age into the NCIC.

b) As required by MN STAT 299C.53, subd. 1(b), if the person is determined to be missing and endangered, the agency shall immediately enter identifying and descriptive information about the person into the NCIC.

9. Enter complete descriptive information regarding suspects/vehicle in the NCIC system.
10. Request investigative and supervisory assistance.
11. Update additional responding personnel.
12. Communicate known details promptly and as appropriate to other patrol units, local law enforcement agencies, and surrounding law enforcement agencies. If necessary, use The International Justice & Public Safety Network (NLETS), the Minnesota Crime Alert Network, and MNJIS KOPS Alert to alert state, regional and federal law enforcement agencies.
13. Notify the family of the Minnesota Missing/Unidentified Persons Clearinghouse services available.
14. Secure the crime scene and/or last known position of the missing person and attempt to identify and interview persons in the area at the time of the incident.
15. Obtain and protect uncontaminated missing person scent articles for possible use by search canines.
16. Activate protocols for working with the media. (AMBER Alert, Minnesota Crime Alert Network)
17. As required by MN STAT Chapter 299C.53, subd. 1(b), consult with the Minnesota Bureau of Criminal Apprehension if the person is determined to be an endangered missing person. Request assistance as necessary.
18. Implement multi-jurisdictional coordination/mutual aid plan as appropriate such as when:
    a) the primary agency has limited resources;

    b) the investigation crosses jurisdictional lines; or

    c) jurisdictions have pre-established task forces or investigative teams.

19. Based on the preliminary investigation, determine whether or not a physical search is required.

3-12-7 INITIAL INVESTIGATION

1. Conduct a canvass of the neighborhood and of vehicles in the vicinity.
2. Arrange for use of helpful media coverage.

3. Maintain records of telephone communications/messages.

4. Ensure that everyone at the scene is identified and interviewed separately.

5. Search the home, building or other area/location where the incident took place and conduct a search including all surrounding areas. Obtain consent or a search warrant if necessary.

6. Assign an investigator or officer whose duties will include coordination of the investigation.

3-12-8 INVESTIGATION

1. Begin setting up the Command Post/Operation Base away from the person's residence. Know the specific responsibilities of the Command Post Supervisor, Media Specialist, Search Coordinator, Investigative Coordinator, Communication Officer, Support Unit Coordinator, and two liaison officers (one at the command post and one at the victim's residence). The role of the liaison at the home will include facilitating support and advocacy for the family.
2. Establish the ability to "trap and trace" all incoming calls. Consider setting up a separate telephone line or cellular telephone for agency use and follow up on all leads.
3. Compile a list of known sex offenders in the region.
4. In cases of infant abduction, investigate claims of home births made in the area.
5. In cases involving children, obtain child protective agency records for reports of child abuse.
6. Review records for previous incidents related to the missing person and prior police activity in the area, including prowlers, indecent exposure, attempted abductions, etc.
7. Obtain the missing person's medical and dental records, fingerprints and DNA when practical or within 30 days.
8. Create a Missing Persons' Profile with detailed information obtained from interviews and records from family and friends describing the missing person's heath, relationships, personality, problems, life experiences, plans, equipment, etc.
9. Update the NCIC file, as necessary with any additional information, regarding the missing person, suspect(s) and vehicle(s).
10. Interview delivery personnel, employees of gas, water, electric and cable companies, taxi drivers, post office personnel, sanitation workers, etc.
11. For persons under the age of 21, contact the National Center for Missing and Exploited Children (NCMEC) for photo dissemination and other case assistance.
12. Determine if outside help is needed and utilize local, state and federal resources related to specialized investigative needs, including:
    a) Available Search and Rescue (SAR) resources

    b) Investigative Resources

    c) Interpretive Services

d) Telephone Services (traps, traces, triangulation, etc.)

e) Media Assistance (Local and National)

13. Secure electronic communication information such as the missing person's cell phone number, email address(s) and social networking site information.
14. Appoint an officer who shall be responsible to communicate with the family/reporting party or their designee and who will be the primary point of contact for the family/reporting party or designee. Provide contact information and the family information packet (if available) to the family/reporting party or designee.
15. Provide general information to the family/reporting party or designee about the handling of the missing person case or about intended efforts in the case to the extent that the law enforcement agency determines that disclosure would not adversely affect the ability to locate or protect the missing person or to apprehend or prosecute any person(s) criminally in the disappearance.

3-12-9 MISSING FOR OVER 30 DAYS

If the person remains missing after 30 days from entry into NCIC the local law enforcement agency will be contacted by the BCA Missing and Unidentified Persons Clearinghouse to request the following information (if not already received):

a. DNA samples from family members and, if possible, from the missing person.
b. Dental information and x-rays.
c. Additional photographs and video that may aid the investigation or identification.
d. Fingerprints.
e. Other specific identifying information.

This information will be entered into the appropriate databases by BCA Clearinghouse personnel. If the person is still missing after 30 days, review the case file to determine whether any additional information received on the missing person indicates that the person is endangered and update the record in NCIC to reflect the status change.

3-12-10 PROLONGED INVESTIGATION

1. Develop a profile of the possible abductor.
2. Consider the use of a truth verification device for parents, spouse, and other key individuals.

3. Re-read all reports and transcripts of interviews, revisit the crime scene, review all photographs and videotapes, re-interview key individuals and re-examine all physical evidence collected.
4. Review all potential witness/suspect information obtained in the initial investigation and consider background checks on anyone of interest identified in the investigation.
5. Periodically check pertinent sources of information about the missing person for any activity such as phone, bank, internet or credit card activity.
6. Develop a time-line and other visual exhibits.
7. Critique the results of the on-going investigation with appropriate investigative resources.
8. Arrange for periodic media coverage.
9. Consider utilizing rewards and crime-stoppers programs.
10. Update NCIC Missing Person File information, as necessary.
11. Re-contact the National Center for Missing and Exploited Children (NCMEC) for age progression assistance.
12. Maintain contact with the family and/or the reporting party or designee as appropriate.

3-12-11 RECOVERY/CASE CLOSURE

Alive

1. Verify that the located person is the reported missing person.
2. If appropriate, arrange for a comprehensive physical examination of the victim.
3. Conduct a careful interview of the person, document the results of the interview, and involve all appropriate agencies.
4. Notify the family/reporting party that the missing person has been located. (In adult cases, if the located adult permits the disclosure of their whereabouts and contact information, the family/reporting party may be informed of this information.
5. Dependent on the circumstances of the disappearance, consider the need for reunification assistance, intervention, counseling or other services for either the missing person or family/reporting party.
6. Cancel alerts (Minnesota Crime Alert, AMBER Alert, etc), remove case from NCIC (as required by MN STAT 299C.53. subd 2) and other information systems and remove posters and other publications from circulation.
7. Perform constructive post-case critique. Re-assess the procedures used and update the department's policy and procedures as appropriate.

Deceased

1. Secure the crime scene.

2. Contact coroner, medical examiner or forensic anthropologist to arrange for body recovery and examination.
3. Collect and preserve any evidence at the scene.
4. Depending upon the circumstances, consider the need for intervention, counseling or other services for the family/reporting party or designee.
5. Cancel alerts and remove case from NCIC and other information systems, remove posters and other publications from circulation.
6. Perform constructive post-case critique. Re-assess the procedures used and update the department's policy and procedures as appropriate.

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Effective: 01/25/2019	Reevaluation Date: MARCH 2024

3-13 MOBILE COMPUTERS

3-13-1 PURPOSE

With the proliferation of technologies available for use in law enforcement, additional systems of information dissemination have become common. Mobile Computer Terminals/Mobile Data Terminals (MCT/MDT), have become commonplace in police vehicles, and their use is a vital link between central communications, records, and the State Computer System. This policy addresses their operation.

3-13-2 POLICY

The Buffalo Police Department utilizes MDT's in squad cars to aid officers in the performance of their duties. MDT's will be used in a proper fashion, for business purposes only, and with all necessary concern for security of information.

3-13-3 PROCEDURES

3-13-4 MDT's IN GENERAL

A. MDT's, first and foremost, are computers. They are subject to the pitfalls that can occur with any mechanical device. They are also subject to malfunction when they are used improperly, or when their programming is tampered with. For this reason, no software may be installed on any MDT, nor any modification made to any MDT programming without prior approval of the Chief of Police.
B. In order to maintain consistency of information and to avoid improper use, Officers will only perform functions on the MDT on which they have been formally trained.

3-13-5 MDT MESSAGES

A. All message that are sent and/or received from an MDT are subject to data privacy laws. Almost all of these messages are discoverable through a court process. Discriminatory messages, messages with immoral overtones, or other inappropriate messages will not be sent through the MDT.
B. Messages sent/received on an MDT may be subject to special security under data privacy. Officers are not to disclose any information received through an MDT message to any person who is not legally entitled to possession of the information to be released.

C. All messages sent by officers must include the badge number of the officer sending the message. Refer to MDT training materials for formatting of messages.

3-13-6 MDT USE

MDT's have been designed as a supplementary aid to assist officers in the performance of their duties. However, their reliability is not certain, and from a safety perspective, it is not reasonable to rely solely on the MDT for communications between the officer and central communications. For this reason, officers will not check out on any call for service or suspicious circumstance only through the MDT. Checking out on an incident of this nature will require notification of central communications.

Officers who wish to check out on break may do so through the MDT without notifying central communications via radio.

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3-14 MOTOR VEHICLE CRASH REPORTS

3-14-1 PURPOSE

This policy is enacted in order to ensure consistent procedures in the reporting and handling of all motor vehicle crashes investigated by the Buffalo Police Department.

3-14-2 POLICY

All motor vehicle crashes investigated by the Buffalo Police Department are to be investigated and documented according to the procedures outlined in this policy.

3-14-3 PROCEDURES

3-14-4 GENERAL PROCEDURES

Crash reports should generally be completed before the end of an officer's shift but may be delayed when necessary. Crash reports may not be carried over through an officer's days off unless supervisor approval has been received.

When an officer investigates a crash that includes assisting with the information exchange, the Information Exchange Form will include the names, addresses, and insurance information of all directly involved. The investigating officer should ensure a copy of the form has uploaded to the Media File.

State Reports are required for crashes involving a combined property damage value of $1000 on a public roadway, and any crash involving personal injury. If no State Report is required, the investigating officer will complete the Information Exchange Form, and update the Incident Record with a Summary. If a State Report is required, the investigating officer will complete a State Report in addition to the Information Exchange Form and update to the Incident Record and Summary.

3-14-5 AGENCY ASSIST CRASH REPORTING

When an officer responds to a crash as an agency assist and does not investigate the crash or complete a report, the officer will update the Incident Record with date, time, and location information. The officer will also update the Summary to include the investigating agency and officer. Where possible, the officer should also obtain driver names and add them to the Incident Record.

3-14-6 CRASH REPORTING REQUIREMENTS

If an officer is investigating a crash that occurred on a public roadway, private roadway, or other private property, the officer will complete an Information Exchange Form and provide each involved driver with a copy. This should be done at the scene whenever possible or as soon as practical thereafter. If the crash involves a single vehicle only, no Information Exchange Form is required and the investigating officer will only update the Incident Record and Summary.

For any crash requiring a State Report, the investigating officer will provide each driver involved with the MN Motor Vehicle Crash Form. Again, this should be done at the scene whenever possible.

- Reportable Crashes:
  - Any crash involving over $1,000 combined property damage (occurring on the roadway only – not including private property); and/or
  - Any crash with injuries (either on a roadway or on private property).
- If the crash is reportable to the State, complete a State Crash Report.
- NOTE: A State Crash Report is also required for any crash occurring on private property which results in any injury to any person.

3-14-7 HIT & RUN CRASHES

Hit and run crashes are always criminal in nature and always require a narrative report. In addition, a state crash report is required if the crash is reportable under 169.09 and/or occurs on a public roadway.

3-14-8 DELAYED REPORT CRASHES

At times we receive crash reports hours, days, and even weeks after they actually occurred. When this happens the same procedure should be followed as outlined above. Every effort should be made to speak to all drivers and witnesses involved in the crash and the report should be as complete as possible.

3-14-8 UNKNOWN LOCATION

On rare occasions, we receive reports of damage to a vehicle but the owner does not know where the damage occurred. Officers should complete a narrative report in such cases, but a State Crash Report is not required.

3-14-9 COMMERCIAL VEHICLES

If a crash involves a commercial vehicle and there is injury, a fatality, or damage in excess of the state requirement, officers should request a State Patrol commercial vehicle inspector response to the scene.

3-14-10 CRASHES ON STATE HIGHWAYS

When a crash occurs on a State Highway, the State Patrol shares jurisdiction. If a State Trooper handles the crash and subsequent report, officers need not duplicate their efforts. However, whenever possible, officers should document the license plate numbers of the vehicle involved, and the name and badge number of the trooper. Officers are required to complete the Incident Summary to include which agency investigated the crash.

3-14-11 SERIOUS CRASHES & FATALITIES

Whenever officers respond to a crash that involves a potentially life-threatening injury, a supervisor should be notified. The supervisor will make a determination as to whether or not we will request that the crash be reconstructed by the State Patrol or Wright County Sheriff's Office. In all crashes involving a fatality, a request for reconstruction shall be made.

3-14-12 CRASHES INVOLVING SQUADS

If a City of Buffalo squad car is involved in a crash, the officer involved is required to notify a supervisor immediately. This procedure applies regardless of how minimal the damage may be. This notification should take place immediately following the crash, and prior to vehicles being moved or any individuals leaving the scene, unless there are exigent circumstances. If the crash requires a state report, the contacted supervisor may request that an outside agency complete the report. Otherwise, an officer other than the driver may complete the report, following the Crash Reporting Requirements outlined in 3-14-6. The officer involved is required to complete a narrative report in all crashes involving a City of Buffalo squad car.

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Effective: 01/25/2019	Reevaluation Date: MARCH 2024

3-15 OVERTIME

3-15-1 PURPOSE

This policy is intended to clarify the rules related to Overtime, Court Time, Special Detail Overtime, Compensatory (COMP) Time, and additional Straight Time.

3-15-2 POLICY

Staff will be required to follow the policies outlined herein, unless those policies conflict with Federal or State Law, or the Union contract. Officers are responsible for notifying the Chief of Police of any such conflict they become aware of.

3-15-3 PROCEDURES

3-15-4 OVERTIME APPROVAL

Every officer will manage their time so as to complete reports and other tasks to minimize overtime. If officers take reports early in officer shift and delay their completion until the end of their shift or officer tour, any overtime claimed as a result will be closely scrutinized.

It is expected that all Overtime shall be pre-approved by a Supervisor, except for the following:

A. When there is no supervisor on-duty; or
B. When there is a supervisor on-duty, but the supervisor is unavailable, or the circumstances make it impractical to contact a supervisor for pre-approval; or
C. When officers are required to appear for court (assuming officers are not already on duty).

3-15-5 GENERAL GUIDELINES

A. It is the responsibility of the Officer to contact the supervisor directly to seek approval for regular Overtime (i.e. shift extensions). It is not the responsibility of the supervisor on-duty to recognize that officers may be about to incur overtime. Failure on the part of the Officer to make a formal regular Overtime request/notification to the supervisor on-duty may result in denial of the Overtime request.

B. In situations where there is no supervisor on duty, or the Officer does not contact a supervisor for pre-approval of Overtime, it is the responsibility of the Officer to articulate a suitable reason for the use of Overtime.
C. Requests for regular Overtime pay that are submitted without supervisor approval will be examined against shift logs, call load, Officer time-management issues, the basis of the request, and other workload, to determine whether or not the request will be approved.
D. Officers shall record the purpose for all Overtime (or Straight Time) on the bottom of their timesheet, along with the Case Number or other appropriate information. If the Overtime request was approved by a supervisor, the supervisor's badge number shall be included with this information on the back of the timesheet.
E. Officers shall follow the "Completion of Paperwork" rules and shall submit regular Overtime requests accordingly.
F. Unless specific approval is granted by the Chief of Police in advance, all Court Overtime shall be paid as Overtime, and shall not be recorded as COMP time.
G. Officers who are scheduled to appear in Court at the same time they are scheduled for a duty shift, training, or some other conflict, are required to notify their supervisor of the conflict as soon as possible.
H. Officers working specialized shifts (i.e. Day Captain, Detectives, and SRO's), will be expected to use flexible scheduling in lieu of Overtime for special assignments. These special assignments must be pre-approved by a supervisor, subject to the same exceptions listed above. Hours approved for these purposes will be at the straight-time rate and will be applied against required annual hours.
I. Any additional Straight Time claimed by Officers is to be treated in the same manner as Overtime. Pre-approval is required, subject to the Overtime rules outlined herein.
J. All Special Detail Overtime (i.e. Banquets, Rodeo, High School Events etc.) shall be paid as Overtime, and shall not be recorded as COMP time.
K. Officers assigned to Special Details need not seek additional approval for Overtime, as the assignment for the detail includes approval for submission.
L. Officers may submit a request for COMP time in lieu of regular Overtime, at their discretion. However, the decision to grant COMP time vs. Overtime will remain a management decision.
M. Mandatory call-outs, or a required return to duty is considered Overtime.
N. In situations involving a sick call for a duty shift, the Supervisor may extend the shift of the Officer(s) on duty, or secure an early call to duty for the incoming Officer on shift, or both.
O. If the Supervisor determines that additional shift coverage is required, due to call-load, special events or circumstances, or due to the creation of a lengthy period of single-car coverage, the Supervisor may call in an Officer to work a full or partial Overtime shift.
P. When Non-Emergency or other calls that are not "In-Progress" are received within 20 minutes of shift-change, the Officer going off shift shall consider whether or not the call, and their other required work, can be completed without incurring Overtime. If the Officer going off shift cannot complete their required work, and/or the incoming call for

service without incurring Overtime, the call for service shall be deferred to the other Officer on-duty, or the incoming Officer who will be on shift. If the call is to be held, the Officer who is initially assigned the call will be responsible for the effort to notify the caller of the delay. If no callback information is available, notification of the delay will not be required.

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3-16 PATROL

3-16-1 PURPOSE

Patrol officers have two basic responsibilities. They are the primary element to prevent and deter criminal activity and to provide day-to-day service delivery. Officers must respond to calls for service, enforce the law, and maintain order. They must provide preventive patrol to reduce opportunity for criminal activity.

Patrol Officers are the most visible representative of the City of Buffalo. As such, they serve a multipurpose role. They are a guardian of public safety, investigator, traffic controller, enforcer of the law and interpreter of the law.

3-16-2 POLICY

The role of Buffalo Police Department patrol officers are of primary importance. The Department deploys them in a manner to maximize effective response to needs and problems of the community, prevention of criminal activity, and delivery other police services.

3-16-3 PROCEDURES

3-16-4 PATROL OPERATIONS

3-16-5 PATROL COVERAGE

Patrol coverage of the City of Buffalo is continuous to provide immediate response to emergency situations.

3-16-6 SUPERVISORY RESPONSE TO CALLS

Supervisors respond to certain types of calls for service. In addition, supervisors are required to:

A. **Check Patrol Activities** - Supervisors shall make spot checks of patrol activities of the Police Department.
B. **Improper Action** - If improper action or inefficiency is noted, the Chief of Police shall take steps necessary to correct the situation.

3-16-7 PREVENTIVE PATROL

Patrol officers have specific tasks and performance objectives for the City. You are responsible for preventing crime and accidents, maintenance of public order, and discovery of community hazards and situations that contribute to delinquency of juveniles.

3-16-8 BUSINESS AREAS

Frequently check physical security of business premises to prevent burglary and robbery and check suspicious persons who appear to be within your patrol area for other than business purposes. Be alert for the following:

A. **Parked Vehicles** - Check occupied or unoccupied parked vehicles with the motor idling or parked in areas not normally used for parking.
B. **Suspicious Activity** - Check unusual activity occurring when businesses open, close or when employees cannot be seen from the street. Pay particular attention to businesses in outlying areas, especially service stations, convenience stores and package liquor stores open late hours.
C. **Suspicious Persons** - Check hitchhikers and persons, male or female, who appear to be loitering about a place of business.
D. **Building Discrepancies** - Check for open or unlocked doors and windows, lights usually left on, merchandise left unsecured and other security risks that can be corrected by property owners.

3-16-9 RESIDENTIAL AREAS

Provide preventive patrol in areas where crime and public disorder most frequently occur. Be alert for parked vehicles, suspicious activity and suspicious persons.

House Checks:

House check information is included in the RMS Home page. Provided that sufficient time is available, officers working the dayshift should complete a drive-by visual inspection of the houses listed in the house-check section.

3-16-10 SPECIAL SITUATIONS

Be alert for special situations that create hazards to citizens of the City.

A. **Community Hazards** - Check for community hazards, such as wires down, traffic signs defaced or removed, etc., and report them for correction.
   NOTE: See General Order 59 for handling hazardous highway conditions.
B. **Traffic Accidents** - Be highly visible on major streets, especially during peak traffic hours, and enforce the traffic laws.

C. **Observation and Reporting** - You will see many things on preventive patrol and receive all types of information from persons who are willing to tell you. Keep your supervisor notified of needed information.
D. **Proactive Patrol** - Aggressive patrol will draw attention to you and may cause some persons to complain about your conduct. If you are courteous and professional, however, the Department can easily deal with these complaints.

3-16-11 CRIME PREVENTION ACTIVITIES

3-16-12 CRIME PREVENTION IS THE BASIC MISSION

The basic mission for which the Police Department exists is to prevent crimes and disorder. The test of your efficiency is the absence of crime and disorder, not the visible evidence of police action in dealing with it.

3-16-13 CONTACT WITH THE PUBLIC

Continuously look for ways to reduce opportunities for crime and discuss specific problems with business owners and residents of your assigned area. Develop favorable relationships between the public and the Department.

3-16-14 OTHER PATROL RESPONSIBILITIES

3-16-15 CALLS FOR SERVICE

Always carry proper equipment with you and respond to all calls for service without delay.

A. Calls For Service from the front office

New Calls:

1. All calls for service that originate from the front office will require that an ICR be started by the office staff. That includes any phone calls or walk-ins. Even if an officer is in the building at the time of the request an ICR will be started by the office staff.
2. When taking information on a call make sure to get (at a minimum) the reporting person's first and last name (with proper spelling if its not a common name), phone number and the incident location.
3. Create an ICR. Click Incident Quick Entry. Add a brief title. Then add in the notes section: CAD-4400, the reporting party information and any notes about the call.
4. Click on Save and Start a Location. A location must be entered in order for the ICR to show up in Mobile.
5. Locate the officer in the office or call for an officer on the radio. When using the radio, don't call out for a Buffalo unit. Pick an officer and use their specific unit number. Let them know you have created an ICR and it is pending in

Mobile/LETG. Such as “4460 I sent ICR 07004444 civil to your screen.” Wait for a confirmation from the officer that they received the call.

B. Information from previous calls for service:

1. If there are phone calls or walk-ins regarding previous calls for service or active cases that already have an ICR, do not create a new ICR.
2. If the officer to whom the case is assigned is working or if any officer is needed to assist and is available, relay the information to the officer on the radio. (E.g. 4460 can you 10-19 to speak to a party regarding a previously reported theft. Or, 4462, I have a phone call (or 10-21) for you regarding your theft case. If the officer is not available (out on a call), then send the information via the mobile computer in the office. If there is no response on the mobile after the officer has cleared his/her call, call the officer on the radio to confirm their receipt of the message.
3. Handwritten messages may be given directly to an officer if they are in the building at the time the message is received, but otherwise should not be left on the officer’s desk.
4. If the message is not urgent and the officer is not working at the time, send an e-mail with the information to the officer.
5. If the message is urgent and the officer is not working at the time, notify the duty officer of the message, and ensure that they are aware that contact needs to be made with the subject as soon as possible.
6. If you are going to leave a message related to a walk-in or a phone call for an officer that is off-duty, make sure the person leaving the message is aware that the officer is not working, and find out if they need a more immediate response. If they do, follow the procedures above and ensure that an officer makes contact with them.

C. Shift Logs

Officers are not required to complete “shift logs.” The logs are now generated electronically through the Mobile system. Officers working in the Patrol Division are required to do the following:

1. Create, save, and transmit a squad check form at the beginning of each shift.
2. Use the Mobile system to assign yourself to the call, arrive, and clear the call.
3. Use the Mobile system to check out of the car for any regularly logged event, such as taking a break, checking a business, etc.
4. Use the “Log Entry” feature in Mobile to log any suspicious activity, area checks, or any other activity you want to have included in the electronic shift log. This feature should be used when you perform any action, which may not provide a basis to generate an ICR, but which should otherwise be documented.

Note: You can query any shift log by using the Intranet feature in Mobile RMS.

3-16-16 REQUESTS FOR MEDICAL AID ASSISTANCE

A. General: In order to provide consistency regarding the departmental response to requests for medical aid assistance, the following policy is established.
    1. Except as otherwise provided herein, an Officer of the Buffalo Police Department, will respond to all requests for medical aid that occur within the Buffalo City Limits.
    2. Officers of the Buffalo Police Department will consider all such requests as requests for emergency assistance, and they will prioritize and respond accordingly.
    3. The assigned Officer of the Buffalo Police Department will respond to all requests for medical aid immediately, unless other duties demand that their response is delayed.
    4. If an Officer of the Buffalo Police Department is unable to respond to a request for medical aid, due to other duties, the Officer shall make a determination as to whether or not an Officer's presence is immediately necessary, and if so, the Officer shall request mutual aid response.

B. Exceptions:
    1. If an Officer is notified of a medical situation occurring at the Wright County Jail, Buffalo Hospital, Buffalo Clinic, or Allina Medical Center, no response is required, unless the notification includes a specific request for an Officer response.
    2. If you are provided with a courtesy notification regarding a routine medical transport, this is not necessarily considered a request for response, unless circumstances otherwise dictate.

C. Lift Assists:
    Officers of the Buffalo Police Department will respond to all requests for lift assists. The assigned officer will first assess the subject of the lift assist to determine if an injury or other medical condition needs to be assessed by ambulance personnel. If it is determined no ambulance is necessary, the assigned officer will then assess whether or not they can provide the lift assist without risk of injury to themselves or the subject. In making this assessment, the assigned officer will consider such factors as the surroundings, the size of the subject, the ability of the subject to respond to assistance, and the officer's own ability to perform the lift. If the assigned officer determines that additional personnel are needed, the officer will contact additional personnel to assist prior to attempting the lift the patient. Officers should also consider the availability and use of any tools provided that can aid them in performing the lift assist.

3-16-17 CHILD CUSTODY MATTERS

For consistency in child custody calls, this policy should be used as a guideline.

Statute 257.541 outlines child custody issues. It states that if a couple was unmarried at the time of conception or birth of a child, the mother is the only person who has custodial rights. For the father to assert his rights in this case, he must specifically assert them in court on his own behalf.

The MN Voluntary Recognition of Parentage form creates official acknowledgement of parentage by both mother and father. It specifically notifies the father that he has no parental rights without asserting them in court. The form is generally filled out at the hospital. While this form is a legal document, is it not a court order and should not be treated as such.

In cases involving child-custody disputes, it will be our practice to leave the child where they are, unless there is a court order to the contrary.

In a child custody dispute involving an unmarried couple you should consider these items:

A. Is there a MN Voluntary Recognition of Parentage form? If so, the father should know he does not automatically have parental rights.
B. Is there any other paperwork or court order in place that outlines the custody arrangement? We may be able to enforce it at that time.
C. If no other paperwork is present, the father should be notified that retaining a child is in violation of state statutes and it may hinder his ability to seek and obtain visitation or custody in the future.
D. The mother should be informed that we are aware of the law that automatically attaches custody to her, but the matter is civil and she should seek legal advice from a qualified attorney on how to proceed.

In most circumstances we should not take children from one parent and deliver them to another without a court order. If paternity rights for the father have not been established in court, it would be reasonable to do what we can to convince the father that returning the child to the mother is the best course of action.

You may advise the father that his actions could constitute deprivation of parental rights (if appropriate) and if he fails to turn the child over the mother, he could face criminal charges. It is important to note that officers should not create the false sense that we will bring forth deprivation charges on every person who fails to return a child at the predetermined time. The County Attorney makes these decisions and will weigh all of the factors of the case prior to making a charging decision.

Whenever an officer uses a 36 Hour Hold or 72 Hour Hold on a Juvenile or in any circumstance where an officer places a 72 Hour Hold on an adult, a complete report is required. This includes a BPD CASE REPORT Form and a Narrative Report. In addition to these reports, a copy of the 36 or 72 Hour Hold Form should be included with the paperwork submitted.

If you are dispatched to a situation where you feel that the person needs to go in to the hospital for an evaluation, make sure you do a Narrative Case Report. This is true even if the person agrees to go to the hospital voluntarily. (Whether we transport them or they are transported by someone else).

3-16-19 INVESTIGATING EVENTS

Properly investigate crimes and other offenses, noncriminal incidents, miscellaneous incidents, and make needed arrests.

3-16-20 DIRECTING TRAFFIC

Direct and control traffic as needed for public safety.

3-16-21 REGULATING BUSINESS OPERATIONS

Check businesses as needed to prevent trafficking in contraband, opening during prohibited hours, and other illegal activities.

3-16-22 MAINTAINING PUBLIC ORDER

Properly handle domestic violence, peace disturbances, mental subjects, labor disputes, animal control, and other incidents to maintain public order.

3-16-23 GIVING EMERGENCY SERVICES

Provide proper emergency services as needed.

3-16-24 REPORTING EVENTS

Prepare and turn in needed reports before ending your tour of duty.

A. Paperwork:
    1. The work schedule and work shifts are staggered for a reason. If a call comes in that will likely require a fair amount of paperwork, you may need to consider whether or not you can complete the work prior to the end of your scheduled shift. If it is unlikely that you can complete the work during the shift time you have left for that day, you may need to request that your partner take the call.
    2. If you are the oncoming shift car or if you are at the beginning of your shift, you should recognize the paperwork concerns and volunteer to handle complicated

calls or calls that will require a fair amount of paperwork that are near the end of your partner's shift.

B. Completion of Paperwork

When paperwork is to be completed:

1. If you have an incident involving an In-Custody arrest, your report must be completed prior to the end of your shift unless you have received supervisor approval to delay it.
2. If you take any report where you believe it will be necessary or it is likely that follow-up will need to be completed immediately or during the next workday, you must complete your Incident Report prior to the end of your shift.
3. You will be expected to complete all Incident Reports by the end of your shift. However, you may delay an Incident Report (Excluding In-Custody's or Immediate Follow-Up Needed Reports) until your next shift under the following circumstances:

   -If you are working the next day and the upcoming day is a weekend day or holiday; or

   -If approval is given by the supervisor to hold your paperwork until the next shift.
4. Incident Reports will be completed by the end of the next shift unless specific approval to delay completion is received from a supervisor.
5. Completion of Incident Reports will not be delayed over an officer's days-off unless prior approval is obtained from a supervisor.
6. Supplemental reports should be completed as soon as practical.
7. Accident reports may be delayed until the next day provided that you are working the following day. (These reports may not be carried over your scheduled days off without supervisor approval.)

3-16-25 FUEL CONSERVATION PROCEDURES

A. Purpose:

Driving and maintaining a mobile force, are essential requirements of modern policing. In fact, our agency has implemented numerous items of technology to provide for a continuous mobile presence. Despite these statements, we must be cognizant of the need to conserve fuel, and to increase our direct contact with residents and businesses from a community policing perspective. As a result, the following policies are established. Please be aware that there is no sunset date on these policies, and it is expected that everyone will follow these policies continuously unless directed otherwise.

B. Procedures:

1. Officers are not to leave squad cars running when unoccupied, except in circumstances where emergency lights are required to remain activated, or during a vehicle or pedestrian stop. Officers may also leave the squad car running when other circumstances dictate, however, this is not to be done as a matter of convenience, and squad cars are not to be left running while unoccupied in the police department parking lot area.
2. Officers are encouraged to conduct follow-up by phone when appropriate, or by inviting the person to respond to the police department for an interview or conversation. Officers should use their judgment regarding face-to-face vs. phone interviews, and act accordingly.
3. Officers are encouraged to spend a minimum of thirty minutes per shift out of the car, conducting business checks, checking parks or other public gathering places, or patrolling problem areas, such as residential areas where thefts from autos have occurred. The time spent on this activity is to be logged on the Officer's log sheet as "Foot Patrol," along with a description of the activity, such as business check, park patrol, residential patrol, etc.

Officers are expected to coordinate call for service (CFS) response so that the Officer closest to the call is the primary responding Officer. Officers should also exercise judgment in determining when a second or third car is necessary on a CFS, to eliminate unnecessary response by additional units, which are not required for the CFS.

Effective: 01/25/2019	Reevaluation Date: MARCH 2024

3-17 PRELIMINARY INVESTIGATION

3-17-1 PURPOSE

The Department sets priorities for those calls for service that should be answered first. This enables assignment of officers to conduct preliminary investigations in a timely and effective way. Officers should immediately begin their investigation when dispatched to a crime scene. They are charged with the duty to evaluate each situation and take immediate and decisive action based on their findings. It is important that they keep an open mind and remain flexible in thinking and attitude to most effectively plan actions according to developing facts of each individual case.

3-17-2 POLICY

The Department properly investigates reported crimes within the City of Buffalo. Officers conduct thorough, timely preliminary investigations to enhance follow-up investigative efforts and increase chances for criminal apprehension and prosecution.

3-17-3 PROCEDURES

3-17-4 CRIME SCENE MANAGEMENT

As first responding officer, officers must quickly act to establish necessary investigative steps. Officers are in charge of the scene unless, and until, such time as officers are reassigned to other workload duties or beat area assignment priorities. Request immediate notification of the Chief of Police or Supervisor when the situation is a homicide or other serious felony, fatal traffic accident or one with potentially high community impact.

3-17-5 PRELIMINARY RESPONSIBILITY

- **Aiding Injured** - Officer first duty is to aid those persons who are injured.
- **Protecting Life** - Officers should not subject officerself or other innocent persons to unreasonable risk.

- **Apprehending Suspects** - Apprehend or initiate timely actions to help assure arrest of suspect fleeing the scene.

3-17-6 PROTECTING CRIME SCENE AND EVIDENCE

- **Establishing Perimeter** - Establish crime scene perimeter; remove and keep out all unauthorized persons.
- **Requesting Needed Aid** - Notify or request special help when needed.

3-17-7 CRIME SCENE PRELIMINARY INVESTIGATION

3-17-8 INVESTIGATING INCIDENTS

Officers are responsible for collecting all available information about the incident. Find out as much of the WHAT, WHY, WHEN, WHO and HOW of each event as possible.

3-17-9 DEVELOPING INFORMATION

Use officer experience and judgment and assess the value of each piece of evidence available.

- **Statements** - Sometimes officers will need to question some statements represented as factual.
- **Physical Evidence** - Look for ordinary objects found in unusual places or for unusual objects found in ordinary places.
- **Analysis** - Interesting and different clues in objects, conversations and situations may help provide solutions for perplexing problems. Look for unusual:
  - conditions;
  - events;
  - remarks.

3-17-10 VICTIM INFORMATION

Seek the following information about victims:

- Name, address, and home telephone number;
- Date of birth (or age), race, and sex;
- Place employed and work telephone number;
- Injury or death:
  - nature of injury or death;
  - attending physician and hospital.

3-17-11 WITNESS INFORMATION

Seek the following information about witnesses:

- Names, addresses, home telephone numbers;

Alternative Address procedures: In cases where a mandatory reporter or officer of the court (including judges, law enforcement officials, attorneys, etc.) is a witness or reporting party, arising out of the scope and course of their employment, a work address and work phone number may be used in lieu of the person's home address and phone number. If the incident is of a personal nature, as opposed to a professional one, the person's home address and phone number should be used.

- Dates of birth (or ages), race, and sex
- Relationship to event:
  - reporting person;
  - eyewitness;
  - owner;
  - neighbor;
  - parent;
  - person discovering crime;
  - person securing building;
  - person accepting document;
- Addresses of places canvassed and results learned.

3-17-12 LOCATING AND IDENTIFYING WITNESSES

A. **Locate Witnesses** - Try to locate and identify witnesses and establish their relationship to the incident.
B. **Actively Solicit Information** - Seek sources of information when voluntary statements are not available.
C. **Potential Information** - Exercise judgment to avoid alienating potential witnesses or other persons having valuable information.
D. **Area Canvass** - Officers are expected to make a door-to-door canvass of the surrounding area to find additional information and locate witnesses. Document canvass information in officer report narrative, including whether information was obtained or not, and the full contact information of anyone who provided pertinent information.

3-17-13 INTERVIEWING COMPLAINANT AND WITNESSES

Interview the complainant and all witnesses to get relevant information. Safeguard the constitutional rights of all persons interviewed.

A. **Formal Statements** - Take formal statements when there is a serious injury or death.
B. **Separate the Witnesses** - Do not let witnesses collaborate on what they saw or heard.

3-17-14 VEHICLE INFORMATION

Seek the following information about vehicles:

- Color top/bottom;

- Year, make, model and style;
- Vehicle identification number (VIN);
- License number, state, year;
- Identifying characteristics;
- Value and insurance company;
- Relationship to event:
  - stolen;
  - damaged;
  - towed;
  - abandoned;
  - recovered;
  - target of offense;
  - suspect's;
- Entry in tow records;
- Wanted issued;
- Check made for stolen or wanted.

3-17-15 INFORMATION ABOUT METHOD OF OPERATION

- **Area or Structure** - Information about the type of residential or non-residential business or area targeted.
  EXAMPLES: Gas Station, public building, single family dwelling, etc.
- **Location of Complainant During Event** - Whether they were present or absent when the event happened and their location.
- **Unlawful Entry** - Specifics about the following:
  - points of entry and exit;
  - methods of entry and exit.
- **Suspect Actions at the Scene** - Note all actions that may later help identify the specific suspect.
  EXAMPLES: Smoked on premises, took only money, made threats, etc.

3-17-16 PROPERTY INFORMATION

Seek the following information about property:

- Article name and quantity;
- Serial number and owner-applied number;
- Brand, make or manufacturer;
- Model name and number;
- Relationship to event:

- stolen;
- damaged;
- recovered;
- target of offense;
- suspects;

- Value and insurance company.

3-17-17 SUSPECT INFORMATION

Seek the following information about suspects:

- Name, address, possible location (places frequented);
- Race, sex, age (DOB), height, weight, color hair and eyes;
- Added physical description:
  - length, type and style of hair;
  - facial hair, shape of face, teeth;
  - complexion, scars;
  - general appearance;
  - demeanor and speech;
  - right or left handed;
- Added suspect description:
  - glasses;
  - clothing, etc.;
- Action taken about suspects:
  - arrested;
  - wanted issued.

3-17-18 WEAPONS INFORMATION

Seek the following information about weapons:

- Type of weapon used (handgun, shotgun, knife, etc.);
- Features of weapon (revolver, automatic, bolt action, etc).

3-17-19 COLLECTING EVIDENCE DURING PRELIMINARY INVESTIGATION

3-17-20 RESPONSIBLE OFFICER

The officer at the crime scene is responsible for the preservation of evidence and for requesting special assistance in processing the evidence.

3-17-21 HANDLING PHYSICAL EVIDENCE

A. **Handling Evidence** - Do not touch or move anything without valid reason until crime scene has been photographed and/or sketched as necessary. When collecting articles having or suspected to have latent fingerprints, use extreme care and least handling since evidence is easily destroyed.
B. **Preserving Evidence** - Recognize, evaluate, collect, mark, and preserve all physical evidence that may aid in prosecution of offenders.

3-17- 22 EVIDENCE TO COLLECT

A. **Elimination Prints** - When processing scenes, take fingerprints for elimination of those persons who were at the scene.
B. **Complete Set of Prints** - Take a complete set of arrestee prints in cases of: homicide, kidnapping, extortion, rape, robbery, arson, burglary, felony assault, weapons violations, and others as directed by the Chief of Police.
C. **Fragment Specimens** - Collect specimens of all broken materials such as wood, paint chips, glass fragments, etc. from felony property crime scenes.
D. **Exemplars** - Get standards (exemplars) for comparisons between questioned items of evidence and items of known origin. As applicable, collect known samples of hairs, fibers, fabrics, paint, glass, wood, soil, tool marks, and other substances for comparison in the lab. Note the location where samples were taken from a known source.

   EXAMPLE: Glass fragments found imbedded in a suspect's shoes and broken glass from a burglarized house.

E. **Other Evidence Seizures** - Seize the following physical evidence as applicable:

   -weapons in unlawful use cases;
   - bullets, stains and blood samples;
   - undergarments, blood, semen, and hair samples in sexual assault cases;
   - alcoholic beverages and controlled substances seized in arrests;
   - vehicles when stolen, used or suspected of being used in a crime;
   - clothing or tools left at crime scenes.

F. Shoplifting Evidence

   Do not log the incident reports from private businesses as evidence. These reports should be included with officer original report and can be downloaded. Photographs of the evidence should be taken with a digital camera and can be downloaded. It will be the Officer's discretion whether to seize or retain any evidence. Generally, this will be required of the business.

3-17-23 HOW TO PRESERVE EVIDENCE

Follow proper packaging, marking, sealing and storing procedures when collecting and preserving physical evidence from the scene.

If evidence is to be entered in LETG RMS, it must be individually labeled and placed in an intake bin, or other suitable secure location. Officers may not retain evidence in officer locker, office, or other location, without prior supervisor approval.

NOTE: Like items can be packaged together. For example, 50 pills, a pair of shoes, 15 rounds of ammunition, etc. Other items should not be packaged together. For example, a pot pipe and the marijuana should be separated. The main issue to remember is that everything that is placed into evidence must be appropriately bagged and/or labeled.

A. **Packaging** - Use clean, suitable and separate containers for each piece of evidence collected.
B. **Marking** - Properly mark each piece of evidence that officers collect to preserve its legal value. Use officer name or initials, but be careful not to damage or reduce evidential and monetary value of objects. If item cannot be marked, tape evidence tag on it with officer name, etc.
C. **Sealing** - Seal and tag each container using evidence tape, or another appropriate method.
D. **Storing** - Submit all physical evidence collected to the property room.

3-17-24 EVIDENCE KITS

All blood, urine and sexual assault kits shall be placed into the evidence refrigerator.

3-17-25 SUBMITTING AND TESTING EVIDENCE

A. **Submitting Evidence** - When officers collect evidence, submit it to property and complete the needed report forms.
B. **Chain of Custody** - Maintain the chain of custody through proper reporting, delivery and receipt of evidence.
C. **Perishable Evidence** - See that perishable biological fluids are refrigerated.
D. **Requesting Lab Exams** - When officers collect physical evidence, request needed laboratory tests and note any special instructions. The property custodian transfers evidence to the crime lab and notifies officers or an assigned follow-up officer of test results.
E. **Requesting Identifications** - When officers collect physical evidence, request needed fingerprint and other document comparisons, and note any special instructions.
F. **Witnessing Handwriting Comparisons** - When a suspect submits to handwriting comparisons, voluntarily or by court order, witness and record the samples in sequence of completion.

3-17-26 CRIME SCENE PHOTOGRAPHS

Use a ruler or other measurement instrument to determine exact size relationship when officers photograph objects. Take a second photograph, using same camera position, lighting, and settings, minus the measurement.

A. **Photography Log** - When photographing crime scenes, keep a photograph log.
B. **When to Photograph** - Take photographs of the following crimes or incidents:
    - death scenes and of deceased victims;
    - felony assault injuries;
    - arson scenes;
    - damage to vehicles or property owned by the City;
    - Police Department shooting incidents;
    - recovered stolen property;
    - crime scenes before they are disturbed; and
    - anytime it is determined by the officer that photographs may be helpful to preserve evidence related to a crime or incident.
    - other situations at direction of a supervisor.

3-17-27 CRIME SCENE SKETCHES

Include these basic elements as part of every sketch:

A. **Identifying Data** - Officer name, date, time, and address of crime scene.
B. **Dimensions** - Accurate dimensions illustrating crime scene and relationship to other objects, structures and geographic locations.
C. **Legend** - North direction and legend to identify all symbols or points of interest in the drawing.
D. **Seizures** - Locations of all significant features and physical evidence seizures.

3-17-28 REPORTING PRELIMINARY INVESTIGATION

3-17-29 REPORTING THE INVESTIGATION

Use the proper report form to fully and accurately document officer investigation of each incident. Turn in officer completed report before ending officer tour of duty or as directed by policy.

3-17-30 REPORTING WHEN SCENE IS NOT PROCESSED

When officers do not process the scene of a homicide, rape, arson, robbery, or major assault, officers will write a supplementary report stating why physical evidence was not initially collected and preserved.

3-17-31 REPORTING WHEN REPORT IS INCOMPLETE

A. **Impaired Complainant** - Investigate complaints, but review the matter/complaint when persons are under the influence of alcohol, drugs, or are disoriented. Advise complainant that legal action can take place later.
B. **Report of Work** - If officers are unable to complete a required preliminary investigation, indicate what officers did and what remains to be completed in officer initial report.
C. **Follow-Up Contact** - Do not advise a crime victim that another officer will contact them later unless officers know this is true.

3-17-32 ON-SCENE EVIDENCE PROCESSING

3-17-33 INCIDENT SCENE RESPONSIBILITIES

A. The scene of any crime is itself evidence, and the testimony of a trained police officer concerning observations and findings at an unchanged crime scene is vitally important to the successful clearance of the case. Improper protection of the crime scene will usually result in the contamination, loss or unnecessary movement of physical evidence items, any one of which is likely to render the evidence useless. Therefore, at the time an officer realizes that he has a crime scene, he must take care to preserve the crime scene and note initial observations for his report and the responding evidence collection officer or officer trained in evidence collection.
B. The success of an investigation that involves a definable crime scene depends heavily on the initial observations and actions of the first arriving officer. This statement is generally applicable, regardless of the type of crime. While the circumstances of the particular case will naturally govern the actions taken by the officer to protect and preserve the physical evidence, the following are considered to be generally valid guidelines:
    1. If injured persons are discovered at the scene of the crime, giving them aid is a matter of first priority.
    2. If sufficient police personnel are available, the immediate measures necessary to protect the crime scene should proceed simultaneously with giving aid to injured persons, or examining apparently deceased persons.
    3. The immediate protection measures include roping off certain critical exits or apertures, posting guards to control spectators around areas expected to have high potential for physical evidence yield, and covering areas that would be affected by smoke, rain, snow or direct sun rays.
    4. In extreme cases, it may be necessary to move objects that seem to have evidence potential from areas where they would otherwise be destroyed or drastically affected by the elements. However, movement of evidence prior to

the time it has been fully examined and processed should be avoided whenever possible.

5. The underlying intent of all actions taken to protect the scene of a crime is to preserve its physical aspects so that it may be reviewed in detail by the investigating officer assigned to the case. Thus, the major task of the officers preserving the scene is to prevent certain actions, specifically:
    a. Unnecessary walking about by assisting personnel (officers, paramedics, fire fighters, or tow truck drivers) or citizens (bystanders, key holders or homeowners). Particular precautions must be taken to avoid walking in areas that are likely to bear the impression of foot or tire prints.
    b. Moving items or disturbing the bodies of deceased persons.
    c. Touching items or surfaces that are likely to yield latent fingerprints.
    d. Allowing any item to be removed from the scene without the specific permission of the officer or official in charge of the search.

C. It is absolutely essential to properly secure major crime scenes. For a death scene, jurisdiction belongs to the County Coroner, not the initial officer or any officer assigned to the case. Department personnel are there to assist the Coroner.

D. Ordinarily, the initial officer should stay at the scene until the officer assigned to the case arrives to brief and assist him/her, as necessary. Proper processing of a crime scene often requires at least two officers to make detailed measurements, take photographs, and collect and log evidence. The initial officer should note all persons present.

In briefing the officer assigned to the case, details are important. For example, if an item was touched or moved by police personnel who secured the scene, that fact should be made known. It is possible that the crime scene will undergo some physical change as the result of weather or some other action after the arrival of the initial officer, and before the arrival of the officer assigned to the case. If so, the officer who arrived first should pass on his observations of such changes.

The protection, collection and maintenance of evidence is the investigating officer's responsibility if an officer assigned to the case is not available for assignment by the Chief of Police.

In summary, from the time an officer assigned to the case is called, the initial officer's responsibility is to keep the crime scene as undisturbed as possible. Officers assigned to the

case are intended to be used to assist the initial officer; however, the investigation is still the initial officer's responsibility.

3-17-34 FIELD PROCESSING

Physical evidence processing is done in accordance with excepted physical evidence processing procedures.

Investigating officers or officers assigned to the case will ensure methods are used that preserve the condition of evidence and prevent the introduction of foreign materials. Officers assigned to the case should comply with the following special procedures:

A. Safety Precautions: Proper safety precautions, including the wearing of rubber gloves, will be followed in the handling/collection of all body fluids. other protective clothing and equipment will be available for emergency use.
B. Secure Refrigerated Storage: Secure refrigerated storage is available for perishable items, such as liquid blood samples and urine specimens.
C. Clandestine Drug Labs: This type of illegal activity represents both an explosion and hazardous chemical danger to investigating officers. Labs should be considered an immediate explosion hazard. In all cases, the lab and the area around the lab should be secured and personnel evacuated to a safe distance (the same distance used for an explosive device).

   Additionally, the vapors from these labs, either during normal operation or in conjunction with a fire or explosion, can be toxic.

   The following procedure is recommended:

   1. Secure and evacuate the area;
   2. Notify the Wright County Special Investigation Unit (SIU) through the Wright County Communications Center.
   3. Control the scene until the SIU team arrives to break down the lab site, transport its parts and store the evidence. The Task Force will arrange and accomplish lab work as required.

D. Other Hazardous Wastes/Chemicals: Hazardous wastes should not be stored in the Buffalo Police Department Property Room. The Minnesota Pollution Control Agency (PCA) has an enforcement arm that can help police deal with these materials.

   The City Fire Department is equipped to deal with spills of hazardous materials, but any criminal element in these matters is a police and PCA responsibility.

3-17-35 INVESTIGATION EQUIPMENT

The Officer Assigned to Investigation should maintain equipment for the purpose of processing many types of crime scenes.

The minimum specialized equipment:

A. Digital or other approved camera
B. Fingerprint Kit
C. Evidence Collection Kit for the collection/ preservation of physical evidence
D. Materials for marking, packaging and inventorying of evidence
E. Crime Scene Sketching Materials
F. Required Forms/Reports
G. Mobile Telephone

Officers assigned to investigations will see that all crime scene processing equipment is in working order and, if not, they will take the necessary steps to have the items repaired or replaced.

3-17-36 REPORT OF LACK OF EVIDENCE

The investigator or investigating officer will explain why no photographs or physical evidence are recovered from a serious crime scene. This entry may be made in the narrative section of the Investigation Report.

3-17-36 SUBMISSION TO FORENSIC LABORATORY

Perishable evidence will be submitted to a forensic laboratory as soon as practical and in accordance with procedures outlined in 61.5.1 and the forensic manual. In those instances when the laboratory will not accept the evidence due to lack of comparison items from a known source, the evidence will be stored in the Property/ Evidence Room pending collection of the appropriate samples. This delay should be noted on the Property and Inventory Report.

3-17-37 KNOWN STANDARDS AND TRACE EVIDENCE

A significant degree of the value of laboratory examination concerns the identification of substances and comparison of these with materials from known sources. When the following types of physical evidence are collected from a crime scene, a known standard sample will be collected when possible. The locations from which the trace evidence and known standards are collected will be documented in the Investigation Report. Types include:

A. Blood
B. Hair

C. Fibers
D. Paint
E. Glass
F. Wood
G. Metal
H. Soil
I. Tool Marks
J. Footwear

Consideration should always be given to the specific circumstances surrounding the collection of trace evidence/known standards and the possible requirement of a search warrant before collection may be made.

3-17-38 SKETCH ELEMENTS

Ordinarily, Officers assigned to investigation will make a rough sketch on graph paper with sufficient detail that a final scale drawing may later be made by a City or County Engineer.

When crime scene sketches are made, they will contain the following information:

A. Case file number
B. Dimensions (including scale)
C. Relation of the crime scene to other buildings, geographical features or roads
D. Address, floor or room number, as appropriate
E. Location of significant features of the scene, including the victim
F. Date and time of preparation
G. Names of persons preparing the sketch
H. Direction of north
I. Location of items of physical evidence recovered

3-17-39 CRIME SCENE PHOTOGRAPHY

All Officers assigned to investigate crimes will photograph crime scenes, traffic accidents, lineups, autopsies, etc., per policy, and as directed by the Chief of Police.

All photographs taken in reference to a crime or incident are to be treated as evidence. Officers should follow the protocol outlined for how to download digital photographs. Once downloaded, the photos should then be imported into the Media section of the incident and each photograph should be described in the Summary Section of the Media record. The incident report should also reflect that photos were taken and that they were entered into the

file. In cases with a large amount of photos, officers should consider creating a photo log to go along with the case file. Each photograph should be numbered as follows: Photo.01.Description of the Photo.

The Officer's assigned to investigation will normally photograph all aspects of the crime scene or incident using 35mm photographic equipment, and/or a digital camera. Polaroid, slides, black and white photographs, video recording and aerial photographs are available upon special request.

All photographs developed and/or printed will be marked with the following information:

A. Date photographs were taken
B. Case file number
C. Type of case
D. Officers who took photographs

Digital photographs taken by Officers will be downloaded to the appropriate case file and labeled by the Officer. Other media created or collected by Officers, such as video tapes, DVD's, CD's, film, disposable cameras, or any other external media, shall be tagged and entered into evidence by the Officer who created or collected the data, in conformance with evidence intake procedures. If an Officer needs film developed into prints, the Officer will make the arrangements through the property clerk.

For all requests to photograph a juvenile suspect, a court order will be obtained prior to photographs being taken; however, approval may be obtained from a District Judge by phone as long as an order for photographs follows in writing for the Judge to sign.

3-17-40 REQUESTING LAB EXAMINATIONS

Officers assigned to investigation assist the initial responding officers by on-scene processing of evidence. The Officer's assigned to investigation also makes recommendations as to necessary laboratory examinations. However, the responsibility for follow-up work on requesting laboratory examination and ensuring necessary tests are being done rests with the assigned investigating officer.

3-17-41 RECOVERED STOLEN VEHICLES

Processing of stolen vehicles.

Officers assigned to investigation may process recovered stolen vehicles in Buffalo or for other requesting agencies as authorized by the Chief of Police.

If the stolen vehicle is recovered during inclement weather, or in temperatures below 40 degrees F, the Officers assigned to investigation may postpone processing until the vehicle is moved to a secure location allowing sufficient time for the vehicle to dry off and/or warm up to a temperature conducive to processing for latent prints and the collection of evidence. Consideration should be given to the possible loss of evidence by moving the vehicle.

3-17-42 COMPUTER SEIZURES AND SEARCHES

A. Searches. There are specific rules of evidence related to how electronic media and computers can be searched. Officers are responsible for ensuring that proper procedures are followed in this regard. As these procedures and rules can change from time to time, it is recommended that officers consult with an investigator or supervisor for direction on how to proceed with these types of searches.

B. Network Configuration and Documentation. During the course of investigating crimes which involve the use of a computer, it will often be necessary to seize various computer components and peripherals. In some cases, it may be necessary to rebuild a network configuration, for purposes of evidentiary documentation or investigation. For this reason, any officer who is dismantling a computer network must take photographs or notes, which are sufficient for reconnecting the devices at a later time. These notes are to be included in the case file.

C. Items to be Seized. In cases involving the use of computers and peripherals, a determination must be made as to which items should be seized as evidence. Although it is difficult to specifically define which items should be taken, officers are encouraged to take only those items which are believed to have been used in the commission of the criminal act. For example, in a child pornography case, there would be no need to take a printer, unless there was a belief that photographs were printed and distributed using the printer to be seized. A scanner would fall under this same category. If officers are uncertain as to which items to seize, they should contact the County Attorney, or a supervisor. Additionally, it is not necessary to seize computer cables, computer mouses, speakers, or keyboards, unless there is a specific evidentiary value to these items.

D. Release of Items. Due to the fact that many individuals rely significantly on computers for a variety of needs including their job, paying bills, storing of private data, and other uses, it shall be the policy of this police department to return seized computers or

computer related equipment to the owner as soon as practical, provided that the seized items do not have evidentiary value, and they are not subject to forfeiture. In cases where computers or computer equipment are returned to the owner, it shall be the policy of this department to ensure that no illegal items are stored or retained on the returned items. Where appropriate, computers and computer equipment will be properly cleared or cleaned of any items of concern, prior to being returned to the owner.

3-17-43 ELDER JUSTICE ACT

A. The Elder Justice Act requires certain care facilities to report all crimes against residents to law enforcement. These crimes may involve theft/financial exploitation, or physical or sexual assault. In addition to notifying the police, the care facility is also required to conduct their own investigation into the matter. In many cases, these "crimes" are unfounded, as residents are sometimes confused about various matters, which might cause them to initially believe that a crime has occurred, when in fact it has not. The care facility may do some initial inquiring in very minor incidents prior to contacting law enforcement, and if they are able to verify that the report is frivolous or unfounded, they will not call us to make a report.
B. If the care facility receives a report concerning a crime that appears to require an investigation, the following will occur:
    1. They will contact an officer and explain the nature of the crime;
    2. If the officer feels the crime is minor or possibly explainable (potentially unfounded), and if there is no apparent concern regarding additional crimes, the officer may ask the care center to look into the matter on their own. (We are not specifically defining what is considered "minor," but generally speaking, person crimes should be investigated by the police department, unless there are strong indicators that no crime has occurred, or other significant factors, which might support deferring the initial investigation to the care facility).
    3. If the officer requests that the care facility investigate the matter independently, the officer will need to get the name of the responsible person who will be in charge of the investigation, and it will be expected that the responsible person will contact the police department concerning the disposition of their investigation, or if they need assistance with the investigation.
    4. If the officer defers the investigation to the care facility, the officer will complete a report (FRN) with the pertinent information.
    5. The officer will be assigned the case to follow-up with the care facility to determine the outcome, and whether additional police involvement is required.
    6. If the care facility feels that the case is such that a police investigation is warranted, they will express this at the time of the call, and the police department will conduct the investigation.

7. If the police department is going to conduct the investigation, the care facility should refrain from conducting a simultaneous investigation, unless this is authorized by the responding officer.
8. If the care facility wishes to conduct the investigation jointly with the police department, we will do our best to accommodate this, unless there are reasons that would reasonably suggest that our investigation be conducted independently. If this is the case, the care facility should be advised of the independent nature of the investigation.
9. Once the investigation is completed, the responsible officer will notify the care facility of the disposition of our investigation.

BUFFALO POLICE DEPARTMENT
PROCEDURAL ORDERS

Effective: 01/25/2019	Reevaluation Date: MARCH 2024

3-18 PRISONER TRANSPORTATION

3-18-1 PURPOSE

Transportation of persons in custody is a constant process, creating situations where control and safety are a must. Since transportation of persons in custody is a frequent activity, it can become too "routine." When officers transport prisoners they must continually guard against complacency. Control and safety are major issues of concern when transporting prisoners.

Officers transporting prisoners are responsible to ensure that their prisoners do not escape. At the same time, they must preserve the rights of those prisoners, see that they do not injure others, and attend to safety and security for themselves and their prisoner.

3-18-2 POLICY

Movement and transportation of persons in custody is a necessary function of the Buffalo Police Department. The Department transports prisoners in a manner to satisfy the basic requirements of prisoner transportation: safety and security for prisoners, transporting personnel, and the general public.

3-18-3 PROCEDURES

3-18-4 PRISONER TRANSPORTATION MANAGEMENT

3-18-5 SEARCHES AND INSPECTIONS

A. **Search of Prisoner** - Before transporting prisoners, search them for contraband and weapons each time they come into officer custody (field arrests, court, medical facility, anywhere).
B. **Searching Transport Vehicle** - Search the transport vehicle both before and after transporting prisoners to ensure no contraband, weapons or other articles are present.
C. **Transport Vehicle Inspection** - Inspect the transport vehicle at the beginning of each shift, before transporting any prisoners.

3-18-6 PRISONER TRANSPORT INFORMATION

A. **Identification** - Positively identify prisoners by verifying booking records and numbers before transporting them from a detention facility.

B. **Transfer Documents** - When transporting prisoners to court, another facility, or interstate, certain documents are required to accompany the transfer.

1. Court: documents with prisoner's name, prisoner number, and court of destination;
2. Another Facility: medical records and a facility transport document listing the sentences imposed and personal property record; and
3. Interstate: properly executed governor's warrant or waiver of extradition.

C. **Security Information** - If known, arresting officer or detention officer shall inform transporting officer of any potential escape or suicide tendencies and unusual illness.

3-18-7 TRANSPORTING PRISONERS

3-18-8 CAGED VEHICLE

If possible transport prisoners in caged vehicles, secured by handcuffs and seat belt, to effect maximum safety and security for officers.

3-18-9 SEATING LOCATION IF CAGED VEHICLE UNAVAILABLE

A. **One Officer** - If there is only one transporting officer, handcuff the prisoner and secure with seat belt in the front passenger seat.

B. **Two Officers** - If there are two transporting officers, handcuff the prisoner and secure with seat belt in the right rear seat away from the driver. The second officer rides in the back seat next to the prisoner.

3-18-10 VISUAL CONTACT

Stay in visual contact and do not allow prisoners to use toilet facilities or make other stops while being transported, except for lengthy trips or other exigent circumstances. Stay in immediate area after ensuring there is no escape route available and resume physical control as soon as practical.

3-18-11 REQUIRED MEALS

If prisoner transportation is of distance and duration to require a meal, officers select a restaurant at random rather than planning ahead.

3-18-12 RESPONSE TO CALLS FOR SERVICE

Do not respond to a call for service or stop and give aid while officers have a prisoner in transport, unless risk to the prisoner is minimal and human life is clearly in grave danger.

3-18-13 SEPARATE TRANSPORT VEHICLES

Transport male and female prisoners in separate vehicles; transport adult and juvenile prisoners in separate vehicles.

3-18-14 PRISONER COMMUNICATION

If possible, do not allow prisoners to communicate with each other during transport. Do not allow them to communicate with family members, friends, attorneys, etc., during transport.

3-18-15 OFFICER ACTIONS AT DESTINATION

When officers arrive at a detention facility, and turn prisoners over to someone else, officers are responsible for:

A. **Weapon Security** - Secure firearms for safekeeping;
B. **Remove Restraints** - Remove restraining devices just before placing prisoners in a cell;
C. **Documentation** - Deliver documentation of the prisoner's identification and charge;
D. **Receipt** - Get signatures of receiving personnel on the transfer papers.

3-18-16 SECURITY AND CONTROL

3-18-17 TRANSPORT TO MEDICAL CARE

If an arrestee is admitted to a medical facility, notify the Chief of Police or designee who will determine a necessary level of security. This notification does not apply to routine medical clearance or other temporary visits to a medical facility.

3-18-18 SECURITY HAZARDS

If an arrestee being transported to court is considered a security hazard, notify the judge of that court before transport.

3-18-19 ACTIONS FOLLOWING AN ESCAPE

If officer prisoner escapes during transport, immediately radio for help. Do the following:

A. **Give Notice** - Initiate notice to officer immediate supervisor, Chief of Police and jurisdiction where escape happened.
B. **Report** - Write an administrative report detailing all circumstances of the escape.

C. **Crime Information Centers** - Initiate notice of other appropriate law enforcement agencies and entry of the wanted into the State Law Enforcement Information System and NCIC.

3-18-20 SPECIAL TRANSPORT SITUATIONS

3-18-21 PRISONERS OF OPPOSITE SEX

If officers are assigned to transport a prisoner of the opposite sex, follow procedures for transporting prisoners (Section 98.2) and these precautions:

A. **Time** - Notify communications when beginning and ending the transport.
B. **Mileage** - Notify communications of beginning and ending odometer readings.

3-18-21 DISABLED PRISONERS

If officers are assigned to transport a prisoner who is physically or mentally disabled, maintain control and security.

A. **Restraining Devices** – Due to the nature of the individual's disability, it may be unnecessary to restrain them. Officers should use officer judgment when deciding whether or not a disabled individual will be restrained during transport.
B. **Special Care** - Contact the jail physician for special care, such as needed wheelchairs, crutches, prosthetic appliances, medicines, insulin, or other special items.

3-18-22 SICK OR INJURED PRISONERS

If arrestees become sick, or are injured incidental to their arrest, take them to the hospital promptly for treatment.

A. **Before Booking** - Arresting officers shall transport sick or injured prisoners to medical facilities if condition is known prior to booking.
B. **Restraining Devices** - Due to the nature of the individual's illness or injury, it may be unnecessary to restrain them. Officers should use officer judgment when deciding whether or not a sick or injured person will be restrained during transport.

3-18-23 PRISONERS IN SPECIAL SITUATIONS

Use special precautions and security measures when transporting prisoners to special situations.

A. **Dangers Presented** - Funerals of relatives, reading of wills, visiting critically ill family members, etc., creates opportunities for prisoners to make unauthorized personal contacts, escape, and to inflict injury on themselves or others.

B. **Authority** - Make transportation for special situations only by authority of the Chief of Police or designee, who will have a specific plan of action.

3-18-24 COMBATIVE/RESISTIVE PRISONERS

A. **De-escalation:** Whenever practical officers should try to de-escalate combative or resistive prisoner prior to placing them in the squad.
B. **Not Leaving Unattended:** Any person who has demonstrated combative/resistive tendencies should not be left unattended.
C. **Type of Restraints:** Those prisoners who have demonstrated a combative/resistive tendency should be handcuffed but should also have their legs restrained through the use of the Department issued leg restraint device.
D. **Rapid Transport:** To minimize damage to the squad and potential injuries to staff, combative/resistive prisoners should be transported immediately or as soon as circumstances will allow.

3-18-25 RESTRAINING DEVICES

3-18-26 RESTRAINT DURING TRANSPORT

Restrain all prisoners during transport except for handicapped, sick or injured prisoners as specified.

A. **One Prisoner** - Handcuff the prisoner with hands behind and secure with seat belt.
B. **Two Prisoners** - Handcuff the prisoners with hands behind and secure both prisoners with seat belts.
C. **Restraint to Vehicle** - Do not handcuff or otherwise restrain prisoners to any part of a vehicle except by properly using seat belts, unless dictated by the circumstances.
D. **Seatbelt Exception**: Officers may forego use of the seatbelt if the prisoner is displaying violent tendencies to the point use of the belt would place the officer at risk.
E. **De-escalation Time**: Whenever practical, arresting officers should allow time for an uncooperative prisoner to calm down prior to placing them in the car for detention or transport. If the prisoner's uncooperative behavior is continuing or escalating he/she should be transported to corrections as soon as possible, utilizing proper restraints, to prevent injury to themselves or others or damage to the transport vehicle.
F. **Use of leg restraints:** Hobbles, or other similar and approved leg restraints, may be used to prevent prisoners from kicking at officers or the transport vehicle windows. Hobbles should be used as a precautionary measure on any prisoner who has demonstrated, through his/her actions, that they may have a tendency to physically resist arrest or affect an escape. Prisoners should not be restrained in a prone position, especially with their legs behind them, (hog-tied) any longer than is necessary to gain control of the subject. Prisoners should be transported in an upright-seated position whenever possible. Should it become necessary to transport a prisoner in a horizontal

manner he/she should be positioned on their side and transported as quickly as possible to the detention facility. They should be monitored closely during the transport. Upon arrival at the detention facility the transporting officer shall advise corrections personnel that the prisoner is in a hobble prior to removing the prisoner from the transport vehicle.

G. **Spitting Prisoners**: Prisoners who have shown a propensity for spitting, either through their actions or verbal threat, may be transported with their mouth covered by an approved Department issued hood.

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3-19 RADIO COMMUNICATIONS

3-19-1 PURPOSE

Radio communications are used to dispatch calls for service, provide safety for employees, increase ability to make apprehensions, and constantly communicate all sorts of necessary information. Radio transmissions are monitored by the media and many of the general public listen regularly to our broadcasts.

Effective command and control of resources during emergency situations depends on continuous contact with field officers. It is necessary for field units to have immediate and emergency access to the communications center for emergency occurrences.

3-19-2 POLICY

The Buffalo Police Department uses a continuous radio system so communications can always monitor officer status, safeguarding them and enhancing police service delivery to the City of Buffalo.

3-19-3 PROCEDURES

3-19-4 OFFICER STATUS

3-19-5 ARRIVING AT A CALL

Inform communications of officer arrival on scene of a dispatched call. Request assistance if needed and cancel any assigned back-up officers do not need. Officers will maintain radio communications with the use of their portable radios. Officers will maintain continuous radio communication with Central Communications and vice versa.

3-19-6 COMPLETING A CALL

Inform communications when officers have completed a call and return to service. Give needed call disposition information.

3-19-7 SUSPICIOUS PERSON OR VEHICLE CHECKS

If officers are checking suspicious persons or vehicles, inform communications:

A. Officer location;
B. License number or description of vehicle stopped;
C. Reason for stop.

3-19-8 OFFICER OUT OF RADIO CONTACT

Normally officers should not be out of continuous radio contact. If officers are going temporarily out of radio contact, notify communications:

A. Officer location;
B. Reason for loss of radio contact;
C. How officers can be reached while away from the radio.

Note: Officers will maintain radio communications with the use of their portable radios.

3-19-9 RADIO COMMUNICATIONS

3-19-10 CONTINUOUS COMMUNICATION

The Police Department maintains continuous 24-hour radio communication between field units and the communications center to enhance both public and officer safety.

3-19-11 STATEWIDE LAW ENFORCEMENT FREQUENCY

The Police Department has continuous radio access to other law enforcement agencies via specific TAC channels. Make needed radio transmissions on these channels when applicable, complying with operational rules and regulations. Identify yourself by agency name and car number and speak in plain language.

3-19-12 OTHER COMMUNICATIONS

3-19-13 TELEPHONES

All police Department employees shall provide the department with the number of their primary phone, whether a landline or mobile phone.

3-19-14 MOBILE/CELLULAR PHONES

The mobile environment in a police car contains many distractions which can interfere with safe motor vehicle operation. While it is an inherent necessity to utilize such devices in the performance of police duties, it is also incumbent that this use be accomplished in a manner that is as safe as possible. In order to ensure the safe operation of police vehicles while utilizing mobile devices, the following guidelines are established.

A. Use of Mobile Devices for Personal Reasons

The use of Mobile devices for personal reasons while officers are operating a police vehicle is prohibited while the vehicle is in motion. If officers receive a personal call while operating a police vehicle, officers are expected to either find an immediate location to pull over to finish the conversation, or if this cannot be accomplished safely, officers are expected to terminate the call until officers can find a suitable location to stop and reengage in the caller.

B. Use of Mobile Devices for Work-Related Purposes

1. The use of mobile devices for work-related purposes while officers are operating a police vehicle is allowed while the vehicle is in motion, subject to the following provisions:
    a. Operators may use mobile devices for work-related purposes while the police vehicle is in motion, provided that there is a reasonable need to do so, and provided that the call can be completed safely.
    b. While using a mobile phone while the police vehicle is in motion, the operator is expected to exercise extreme care and caution over their driving, and the operator is responsible for overall safe vehicle operation.
    c. If there is not a reasonable need for completing a phone call while the police vehicle is in motion, even if the call is work related, officers are expected to either find an immediate location to pull over to finish the conversation, or if this cannot be accomplished safely, officers are expected to terminate the call until officers can find a suitable location to stop and reengage in the caller.
2. Officers and staff should use departmentally funded mobile phones for official business only. Officers and staff that use the phones for other purposes may be responsible for the costs associated with this use.

BUFFALO POLICE DEPARTMENT
PROCEDURAL ORDERS

Effective: 03/15/2021	Reevaluation Date: MARCH 2024

3-20 RESPONSE TO SEXUAL ASSAULTS

3-20-1 PURPOSE

The purpose of this policy is to provide employees with guidelines for responding to reports of sexual assault. This agency will strive:

- To afford maximum protection and support to victims of sexual assault or abuse through a coordinated program of law enforcement and victim services with an emphasis on a victim centered approach.
- To reaffirm peace officers' authority and responsibility to conducting thorough preliminary and follow up investigations and make arrest decisions in accordance with established probable cause standards.
- To increase the opportunity for prosecution and victim services.

3-20-2 POLICY

It is the policy of the Buffalo Police Department to recognize sexual assault as a serious problem in society and to protect victims of sexual assault by ensuring its peace officers understand the laws governing this area. Sexual assault crimes are under-reported to law enforcement and the goal of this policy is in part to improve victim experience in reporting so that more people are encouraged to report.

All employees should take a professional, victim centered approach to sexual assaults, protectively investigate these crimes, and coordinate with prosecution in a manner that helps restore the victim's dignity and autonomy. While doing so, it shall be this agency's goal to decrease the victim's distress, increase the victim's understanding of the criminal justice system and process, and promote public safety.

Peace officers will utilize this policy in response to sexual assaults reported to this agency. This agency will aggressively enforce the laws without bias and prejudice based on race, marital status, sexual orientation, economic status, age, disability, gender, religion, creed, or national origin.

3-20-3 PROCEDURES

3-20-4 DEFINITIONS:

For purpose of this policy, the words and phrases in this section have the following meaning given to them, unless another intention clearly appears.

A. **Consent:** As defined by Minn. Stat. 609.341, which states:
   (1) Words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act.
   (2) A person who is mentally incapacitated or physically helpless as defined by Minnesota Statute 609.341 cannot consent to a sexual act.
   (3) Corroboration of the victim's testimony is not required to show lack of consent.

B. **Child or Minor:** a person under the age of 18.

C. **Medical Forensic Examiner:** The health care provider conducting a sexual assault medical forensic examination.

D. **Sexual Assault:** A person who engages in sexual contact or penetration with another person in a criminal manner as identified in MN Statute 609.342 to 609.3451.

E. **Family and Household Member:** As defined in Minn. Stat. 518.B.01 Subd.2.b. to include:

   (1) spouses or former spouses;
   (2) parents and children;
   (3) persons related by blood;
   (4) persons who are presently residing together or who have resided together in the past;
   (5) persons who have a child in common regardless of whether they have been married or have lived together at any time;
   (6) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and
   (7) persons involved in a significant romantic or sexual relationship

F. **Sexual Assault Medical Forensic Examination:** An examination of a sexual assault patient by a health care provider, ideally one who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients.

G. **Victim Advocate:** A Sexual Assault Counselor defined by Minn. Stat. 595.02, subd. 1(k) and/or Domestic Abuse Advocate as defined by Minn. Stat. 595.02, subd. 1(1) who provide confidential advocacy services to victims of sexual assault and domestic abuse. Victim advocates as defined provide coverage in all counties in Minnesota. Minnesota Office of Justice Programs (MN OJP) can assist departments in locating their local victim advocacy agency for the purposes outlined in this policy.

H. **Victim Centered:** A victim-centered approach prioritizes the safety, privacy and well-being of the victim and aims to create a supportive environment in which the victim's rights are respected and in which they are treated with dignity and respect. This approach acknowledges and respects a victims' input into the criminal justice response and recognizes victims are not responsible for the crimes committed against them.

I. **Vulnerable Adult***:* any person 18 years of age or older who:
   (1) is a resident inpatient of a facility as defined in Minn. Stat. 626.5572. Subd. 6;
   (2) receives services at or from a facility required to be licensed to serve adults under sections 245A.01 to 245A.15, except that a person receiving outpatient services for treatment of chemical dependency or mental illness, or one who is committed as a sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is not considered a vulnerable adult unless the person meets the requirements of clause (4);
   (3) receives services from a home care provider required to be licensed under sections 144A.43 to 144A.482; or from a person or organization that exclusively offers, provides, or arranges for personal care assistance services under the medical assistance program as authorized under sections 256B.0625, subdivision 19a, 256B.0651 to 256B.0654, and 256B.0659; or
   (4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction:
      (i) that impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and
      (ii) because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.

3-20-5 INITIAL RESPONSE

A. Communications Personnel Response/Additional Actions by Responding Officers

Communications personnel and/or law enforcement officers should inform the victim of ways to ensure critical evidence is not lost, to include the following:

2) Suggest that the victim not bathe, or clean him or herself if the assault took place recently.
3) Recommend that if a victim needs to relieve themselves, they should collect urine in a clean jar for testing, and should avoid wiping after urination.
4) Asking the victim to collect any clothing worn during or after the assault and if possible, place in a paper bag, instructing the victim not to wash the clothing (per department policy).
5) Reassure the victim that other evidence may still be identified and recovered even if they have bathed or made other physical changes.

B. Initial Officer Response

When responding to a scene involving a sexual assault, officers shall follow standard incident response procedures. In addition, when interacting with victims, officers shall do the following:

1) Recognize that the victim experienced a traumatic incident and may not be willing or able to immediately assist with the criminal investigation.

2) The officer shall attempt to determine the location/jurisdiction where the assault took place.

3) Explain the reporting process including the roles of the first responder, investigator, and anyone else with whom the victim will likely interact during the course of the investigation.

4) Officers are encouraged to connect the victim with local victim advocates as soon as possible. Inform the victim that there are confidential victim advocates available to address any needs they might have and to support them through the criminal justice system process. Provide the victim with contact information for the local victim advocate. Upon victim request the officer can offer to contact local victim advocate on behalf of the victim.

5) Ask about and document signs and symptoms of injury, to include strangulation. Officers shall attempt to obtain a signed medical release from the victim.

6) Ensure that the victim knows they can go to a designated facility for a forensic medical exam. Offer to arrange for transportation for the victim.

7) Identify and attempt to interview potential witnesses to the sexual assault

and/or anyone the victim told about the sexual assault.

8) Request preferred contact information for the victim for follow-up.

C. Victim Interviews

This agency recognizes that victims of sexual assault due to their age or physical, mental or emotional distress, are better served by utilizing trauma informed interviewing techniques and strategies. Such interview techniques and strategies eliminate the duplication of interviews and use a question and answer interviewing format with questioning nondirective as possible to elicit spontaneous responses.

In recognizing the need for non-traditional interviewing techniques for sexual assault victims, officers should consider the following:

- Offer to have a confidential victim advocate present (if possible) if the victim would benefit from additional support during the process
- Whenever possible, conduct victim interviews in person
- Make an effort to conduct the interview in a welcoming environment
- Let the victim share the details at their own pace
- Recognize victims of trauma may have difficulty remembering incidents in a linear fashion and may remember details in days and weeks following the assault
- After the initial interview, consider reaching out to the victim within a few days, after at least one sleep cycle to ask if they remember any additional details.
- Depending on the victim, additional interviews might be needed to gather additional information. Offer support from a victim advocate to the victim to help facilitate engagement with the investigative process and healing.
- Some victims do remember details vividly and might want to be interviewed immediately.
- During initial and subsequent victim interviews, officers should note the following information as victims share it, recognizing that a victim may not be able to recall all the details of the assault during a particular interview.
  1) Whether the suspect was known to the victim
  2) How long the victim knew the suspect
  3) The circumstances of their meeting and if there is any indication of the use of drugs or alcohol to facilitate the sexual assault
  4) The extent of their previous or current relationship
  5) Any behavioral changes that led the situation from one based on consent to one of submission, coercion, fear, or force
  6) Specific actions, statements, and/or thoughts of both victim and suspect immediately prior, during, and after assault
  7) Relevant communication through social media, email, text messages, or any other forms of communication

D. Special Considerations—Minors and Vulnerable Adults/Domestic Abuse Victims

1. Minors and Vulnerable Adults

This agency recognizes that certain victims, due to their age or a physical, mental, or emotional distress, are better served by utilizing interview techniques and strategies that eliminate the duplication of interviews and use a question and answer interviewing format with questioning as nondirective as possible to elicit spontaneous responses. Members of this agency will be alert for victims who would be best served by the use of these specialized interview techniques. Officers, in making this determination, should consider the victim's age, level of maturity, communication skills, intellectual capacity, emotional state, and any other observable factors that would indicate specialized interview techniques would be appropriate for a particular victim. When an officer determines that a victim requires the use of these specialized interview techniques, the officer should follow the guidance below.

a. Officers responding to reports of sexual assaults involving these sensitive population groups shall limit their actions to the following:

(1)Ensuring the safety of the victim;
(2)Ensuring the scene is safe;
(3)Safeguarding evidence where appropriate;
(4)Collecting any information necessary to identify the suspect; and
(5)Addressing the immediate medical needs of individuals at the scene

b. Initial responding officers should not attempt to interview the victim in these situations, but should instead attempt to obtain basic information and facts about the situation, including the jurisdiction where the incident occurred and that a crime most likely occurred. Officers should seek to obtain this information from parents, caregivers, the reporting party, or other adult witnesses, unless those individuals are believed to be the perpetrators.

c. Officers responding to victims with special considerations must comply with the mandated reporting requirements of Minnesota Statute Section 260E.06 and 626.557, as applicable. Officers investigating cases involving victims with special considerations should coordinate these investigations with the appropriate local human services agency where required. Any victim or witness interviews conducted with individuals having special

considerations must be audio and video recorded whenever possible. All other interviews must be audio recorded whenever possible.

Not all sexual assaults of minor victims require a mandatory report to social services. This policy recognizes that in certain cases, notifying and/or the involvement of a parent/guardian pursuant to 260E.22 can cause harm to the minor and/or impede the investigation. Officers responding to the sexual assault of a minor victim that does not trigger a mandated report under Minnesota Statute Section 260E.06 should assess for the impact on the victim and the investigation if parents/guardians were notified before making a decision to involve them.

d. Officers should obtain necessary contact information for the victim's caregiver, guardian or parents and where the victim may be located at a later time. Officers should advise the victim and/or any accompanying adult(s), guardians or caregivers that an investigating officer will follow up with information on a forensic interview.

e. The officer should advise the victim's caregiver, guardian or parent that if the victim starts to talk about the incident they should listen to them but not question them as this may influence any future statements.

2. Victims of Domestic Abuse

Officers responding to a report of sexual assault committed against a family and household member must also follow the requirements and guidelines in this agency's domestic abuse policy and protocol, in addition to the guidelines in this policy.

E. Protecting Victim Rights

1) Confidentiality: Officers should explain to victims the limitations of confidentiality in a criminal investigation and that the victim's identifying information is not accessible to the public, as specified in Minn. Stat. section 13.82, subd. 17(b)

2) Crime Victim Rights: Officers must provide the following information to the victim:
   a. Crime victim rights and resource information required to be provided to all victims as specified by Minn. Stat. section 611A.02, subd. 2(b)
   b. If the suspect is a family or household member to the victim, crime victim rights and resource information required to be provided to domestic abuse victims, as specified by Minn. Stat. section 629.341, subd. 3.

c. The victim's right to be informed of the status of a sexual assault examination kit upon request as provided for under Minn. Stat. section 611A.27, subd. 1.
d. Pursuant to Minn. Stat. 611A.26, subd. 1, no law enforcement agency or prosecutor shall require that a complainant of a criminal sexual conduct or sex trafficking offense submit to a polygraph examination as part of or a condition to proceeding with the investigation, charging or prosecution of such offense.

3) Other information: Officers should provide to the victim the agency's crime report/ICR number, and contact information for the reporting officer and/or investigator or person handling the follow up.

4) Language access: All officers shall follow agency policy regarding limited English proficiency.

F. Evidence Collection

1) Considerations for Evidence Collection
Officers shall follow this agency's policy on crime scene response. In addition, officers may do the following:

a. Collect evidence regarding the environment in which the assault took place, including indications of isolation and soundproofing. The agency should consider utilizing their agency or county crime lab in obtaining or processing the scene where the assault took place. This should be in accordance to any/all other policies and procedures relating to evidence collections.

b. Document any evidence of threats or any communications made by the suspect, or made on behalf of the suspect, to include those made to individuals other than the victim.

c. In situations where it is suspected that drugs or alcohol may have facilitated the assault, officers should assess the scene for evidence such as drinking glasses, alcohol bottles or cans, or other related items.

d. If the victim has declined or a medical forensic exam will not be conducted, the officer should obtain victim consent and attempt to take photographs of visible physical injuries, including any healing or old injuries. Victim should be given directions about how to document any bruising or injury that becomes evidence later after these photographs are taken.

G. Sexual Assault Medical Forensic Examinations

1) Prior to the sexual assault medical forensic examination the investigating officer should do the following:
    a. Ensure the victim understands the purpose of the sexual assault medical forensic exam and its importance to both their general health and wellness and to the investigation. Offer assurance to the victim that they will not incur any out-of-pocket expenses for forensic medical exams and provide information about evidence collection, storage and preservation in sexual assault cases.
    b. Provide the victim with general information about the procedure, and encourage them to seek further detail and guidance from the forensic examiner, health care professional, or a victim advocate. Officers and investigators cannot deny a victim the opportunity to have an exam.
    c. Officers should be aware and if necessary, relay to victims who do not want to undergo an exam that there might be additional treatments or medications they are entitled to even if they do not want to have an exam done or have evidence collected. Victims can seek that information from a health care provider or a victim advocate. If possible, transport or arrange transportation for the victim to the designated medical facility.
    d. Ask the victim for a signed release for access to medical records from the exam.

2) Officers should not be present during any part of the exam, including during the medical history.
3) Following the exam, evidence collected during the exam shall be handled according to the requirements of agency policy and Minnesota Statute 299C.106.

H. Contacting and Interviewing Suspects

Prior to contacting the suspect, officers should consider the following:

1) Conduct a background and criminal history check specifically looking for accusations, criminal charges, and convictions for interconnected crimes, especially crimes involving violence.
2) Consider conducting a pretext or confrontational call or messaging depending on jurisdictional statutes. Involvement of a victim should be based on strong consideration of the victim's emotional and physical state. A victim advocate should be present whenever possible to offer support.
3) When possible, an attempt would be made to interview the suspect in person.
4) In situations where suspects do not deny that a sexual act occurred, but rather assert that it was with the consent of the victim, officers should do the following:

a. Collect evidence of past communication, including but not limited to all relevant interaction (including social media) between the suspect and victim.
b. Identify events that transpired prior to, during, and after the assault in an effort to locate additional witnesses and physical locations that might lead to additional evidence.

5) For sexual assaults involving strangers, officers should focus investigative efforts on the collection of video, DNA, and other trace evidence used for analysis to identify the perpetrator (handle evidence collection per agency policy).

I. Forensic Examination and/or the Collection of Evidence from the Suspect

Note: A suspect's forensic examination and/or the collection of evidence from a suspect may be done by either an investigating officer/investigator, Forensic Medical Examiner, or the agency/county crime lab personnel.

1) Prior to or immediately after the preliminary suspect interview, photograph any injuries.
2) Determine whether a sexual assault medical forensic examination should be conducted.
3) Ask for the suspect's consent to collect evidence from their body and clothing. However, officers/investigators should consider obtaining a search warrant, with specific details about what evidence will be collected, and should be prepared in advance to eliminate the opportunity for the suspect to destroy or alter evidence if consent is denied.
4) During the suspect's sexual assault medical forensic examination, the investigator, evidence technician, or forensic examiner should do the following:
    a. Strongly consider penile swabbing, pubic hair combings, and collection of other potential DNA evidence;
    b. Collect biological and trace evidence from the suspect's body;
    c. Document information about the suspect's clothing, appearance, scars, tattoos, piercings, and other identifiable marks;
    d. Seize all clothing worn by the suspect during the assault, particularly any clothing touching the genital area;
    e. Document the suspect's relevant medical condition and injuries.

J. Role of the Supervisor

Supervisors may do the following:

1) Assist officers investigating incidents of sexual assault when possible or if requested by an officer.
2) Provide guidance and direction as needed.

3) Review sexual assault reports to ensure that necessary steps were taken during initial response and investigations.

K. Case Review/Case Summary

A supervisor should ensure cases are reviewed on an on-going basis. The review process should include an analysis of:

1) Case dispositions
2) Decisions to collect evidence
3) Submissions of evidence for lab testing
4) Interviewing decisions

3-20-6 SUPERVISOR NOTIFICATION

A Detective or Supervisor must be contacted on all sexual assault cases, child pornography cases, or sexting cases. The Detective or Supervisor will determine whether they need to respond at that time.

BUFFALO POLICE DEPARTMENT
PROCEDURAL ORDERS

Effective: 01/25/2019	Reevaluation Date: MARCH 2024

3-21 SCHOOL BUSES-CRIMINAL INCIDENTS

3-22-1 PURPOSE

This policy recognizes that responding to reports of alleged criminal conduct on school buses within this jurisdiction is the responsibility of this agency in cooperation with any other law enforcement agency that has jurisdiction over the alleged offense. This policy is not intended to interfere with or replace school disciplinary policies that relate to student misconduct on school buses.

3-22-2 POLICY

It is the policy of the Buffalo Police Department to respond to allegations of criminal conduct which occur within our jurisdiction on school buses. This agency shall work with and consult school officials, transportation personnel, parents, and students when respond to these incidents to protect student safety and deal appropriately with those who violate the law.

3-22-3 PROCEDURES

CRIMINAL CONDUCT ON SCHOOL BUSES

This agency shall:

A. respond to calls for assistance from any citizen, school, or bus transportation company official as they may pertain to criminal conduct on school buses;

B. issue citations, release pending further investigation, or apprehend and transport individuals committing crimes on school buses, to the extent authorized by law;

C. investigate reports of crimes committed on school buses by using the same procedures followed in other criminal investigations;

D. submit reports regarding the incident to superior officers and the prosecuting attorney as required by agency policy;

E. follow through with any other investigation necessary to prepare a case pertaining to criminal conduct on school buses as requested by the prosecuting attorney; and

F. provide information to the school regarding the incident as required or authorized by law.

BUFFALO POLICE DEPARTMENT
PROCEDURAL ORDERS

Effective: 01/25/2019	Reevaluation Date: MARCH 2024

3-22 SPEECH OR LANGUAGE BARRIER

3-22-1 PURPOSE

It is the policy of the Buffalo Police Department to respond to allegations of criminal conduct which occur within our jurisdiction on school buses. This agency shall work with and consult school officials, transportation personnel, parents, and students when respond to these incidents to protect student safety and deal appropriately with those who violate the law.

3-22-2 POLICY

It is the policy of this law enforcement agency (Agency) to ensure that a consistently high level of service is provided to all community members, including those who are deaf or hard of hearing, or those with Limited English Proficiency (LEP).

3-22-3 PROCEDURES

3-22-4 DEFINITIONS

Limited English Proficient (LEP): Those individuals whose primary language is not English, who have a limited ability to read, write, speak, or understand English. This definition also includes individuals whose primary language is English, but who have a limited ability to read, write, speak, or understand English.

3-22-5 PROCEDURES

To carry out these policies and legal obligations, the Agency instructs its officers and employees as follows:

A. People who are LEP, or deaf or hard of hearing are entitled to a level of service equivalent to that provided to other persons.
B. The Agency will make every effort to ensure that its officers and employees communicate effectively with people who are LEP, deaf, or hard of hearing.
C. Effective communication with a person who is LEP, deaf, or hard of hearing involved in an incident -- whether as a victim, witness, suspect, or arrestee, is essential in ascertaining what actually occurred, the urgency of the matter, and type of situation.

D. Various types of communication aids – known as "auxiliary aids and services" – are used to communicate with people who are LEP, deaf, or hard of hearing. These include use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of an assistive listening system or device to amplify sound for persons who are hard of hearing; or use of a qualified oral or sign language interpreter.

E. The type of aid that will be required for effective communication will depend on the individual's usual method of communication, and the nature, importance, and duration of the communication at issue.

F. In many circumstances, oral communication supplemented by gestures and visual aids or an exchange of written notes will be an effective means of communicating with people who are deaf or hard of hearing. In other circumstances, a qualified sign language or oral interpreter may be needed to communicate effectively with persons who are LEP, deaf, or hard of hearing. The more lengthy, complex, and important the communication, the more likely it is that a qualified interpreter will be required for effective communication. For example:

-If there has been an incident and the officer is conducting witness interviews, a qualified sign language interpreter may be required to communicate effectively with someone whose primary means of communication is sign language. A qualified oral interpreter may be required to communicate effectively with someone who has been trained to speech read (read lips), or in the case of an individual who is LEP.

-If a person is asking an officer for directions to a location, gestures or an exchange of written notes will likely be sufficient to communicate effectively.

G. To serve each individual effectively, primary consideration should be given to providing the type of communication aid or service requested by the individual. Officers should find out from the person who is LEP, deaf, or hard of hearing what type of auxiliary aid or service he or she needs. Officers should defer to those expressed choices, unless:

-there is another equally effective way of communicating, given the circumstances, length, complexity, and importance of the communication, as well as the communication skills of the person who is LEP, deaf, or hard of hearing; or
-doing so would fundamentally alter the nature of the law enforcement activity in question or would cause an undue administrative or financial burden; only the Chief of Police or his or her designee may make this determination.

H. The input of people who are LEP, deaf, or hard of hearing who are involved in incidents is just as important to the law enforcement process as the input of others. Officers must not draw conclusions about incidents unless they fully understand, and are understood, by all those involved, including people who are deaf or hard of hearing.

I. People who are LEP, deaf, or hard of hearing must not be charged for the cost of an auxiliary aid or service needed for effective communication.

3-22-6 ON-CALL INTERPRETIVE SERVICES

A. The Agency will maintain a list of sign language and oral interpreting services that are available (on-call 24 hours per day) and willing to provide qualified interpreters as needed. Each of these services will be chosen after having been screened for the quality and skill of its interpreters, its reliability, and other factors such as cost. The Agency will update this list annually.

B. A qualified sign language or oral interpreter is one who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Accordingly, an interpreter must be able to communicate with the person who is LEP, or sign to the deaf individual (or interpret orally to the person who speech reads) what is being said by the officer and be able to voice to the officer what is being signed or said by the deaf individual. The interpreter must be able to interpret in the language the deaf person uses (e.g., American Sign Language or Signed English) and must be familiar with law enforcement terms and phrases. Because a qualified interpreter must be able to interpret impartially, a family member, child, or friend of the individual who is deaf may not be qualified to render the necessary interpretation because of factors such as professional, emotional, or personal involvement, or considerations of confidentiality. Additionally, although a "qualified" interpreter may be certified, a certified interpreter is not necessarily "qualified," if he or she is not a good communications match for the deaf person (e.g., where the deaf person uses Signed English and the interpreter uses American Sign Language) or for the situation (e.g., where the interpreter is unfamiliar with law enforcement vocabulary).

3-22-7 TTY AND RELAY SERVICES

In situations when a nondisabled person would have access to a telephone, officers must provide persons who are deaf or hard of hearing the opportunity to place calls using a teletypewriter (TTY, also known as a telecommunications device for deaf people, or TDD). Officers must also accept telephone calls placed by persons who are deaf or hard of hearing through the Telecommunications Relay Service.

3-22-8 TECHNIQUES FOR OFFICERS TO COMMUNICATE EFFECTIVELY

A. Officers may utilize the following auxiliary aids, when available, to communicate effectively:

-Use of gestures;
-Use of visual aids;
-Use of a notepad and pen or pencil;
-Use of a computer or typewriter;
-Use of an assistive listening system or device;

-Use of a teletypewriter (TTY);
-Use of a qualified oral or sign language interpreter.

B. Officers must review and have a working knowledge of the publication *Communicating with People Who Are Deaf or Hard of Hearing: ADA Guide for Law Enforcement Officers*. This document reviews how officers should communicate effectively in the types of situations officers will encounter.

3-22-9 PROCEDURES FOR OBTAINING AUXILIARY AIDS AND SERVICES

A. If an officer requires the use of Auxiliary Aids and/or Services, they should make contact with a department supervisor. Generally, these items will be accessible through the Wright County Jail or Communications center.
B. Any officer who feels there is a need for specialized communications with a specific individual may make any necessary arrangements for free interpretive or assistance services as they deem appropriate.
C. If it is necessary to contract or hire personnel to assist with these services, the officer must obtain approval from the Chief of Police prior to making the arrangements.
D. If in the opinion of the officer, waiting to receive prior approval from the Chief of Police is not possible or prudent under the circumstances of the situation, the officer may proceed on their own, but must notify the Chief of Police as soon as it becomes possible to do so.

3-22-10 CUSTODIAL INTERROGATIONS, BOOKINGS, AND INVESTIGATIONS

3-22-11 CUSTODIAL INTERROGATIONS AND BOOKINGS

In an effort to ensure the rights of those who are LEP, deaf, or hard of hearing, are protected during arrest and custodial interrogation, this department places a high priority on providing competent translation for LEP individuals, and clear communication with deaf or hard of hearing persons, during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, department personnel facilitating communication with a person who is LEP, deaf, or hard of hearing, should make every reasonable effort to ensure accurate communication and accurate translation of all communication, with such individuals.

3-22-12 INVESTIGATIONS

Field enforcement and investigations will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control, and other routine contacts, which may cause officers to encounter persons who are LEP, deaf, or hard of hearing. Because the scope and nature of these activities and contacts will inevitably vary, the department recognizes that it would be virtually impossible to provide immediate access to translation services or other auxiliary aids for every officer in the field in every circumstance where an encounter of this nature occurs. It is the policy of this department however, that

each officer and/or supervisor must assess each such situation to determine the need and availability for translation and/or auxiliary aid services to any and all involved persons who are LEP, deaf, or hard of hearing.

BUFFALO POLICE DEPARTMENT
PROCEDURAL ORDERS

Effective: 01/31/22	Reevaluation Date: March 2024

3-23 SQUAD VIDEO

3-23-1 PURPOSE

The purpose of this policy is to establish guidelines and procedures for the installation, operation, and use of Police vehicle installed audio/video recording equipment and to establish a retention schedule of video evidence.

3-23-2 POLICY

The primary use of audio/video recording equipment in Police vehicles is for the collection of evidence to be used in the prosecution of those who violate the law and to provide objective evidence of Police and subject actions during encounters.

3-23-3 PROCEDURES

3-23-4 INSTALLATION

A. Audio/video recorders shall be installed within the occupant compartment of the Police vehicle to present neither a safety hazard nor vision impairment to the driver.
B. Audio/video recorders will be securely mounted to the Police vehicle and placed in such a manner so that objects within the vehicle do not restrict the vista of the camera.
C. The setup of the audio/video system with the date, time and vehicle identification will be performed only by those authorized and responsible for the administrative functions of the equipment.

3-23-5 GENERAL USE

A. Officers must long into the camera system in their squad car at the beginning of each shift and log out at the end of each shift. Officers shall wear the remote control/wireless microphone assigned to the recording unit during their entire shift.
B. The audio/video equipment may be activated by the following:
    1. The remote control/wireless microphone.
    2. The audio/video system control console.
    3. The audio/video system has been installed in such a manner as to automatically begin recording 30 seconds prior to when the Police vehicle's emergency lights are activated.

3-23-6 OPERATION

A. The primary purpose for using audio/video recorders is to obtain evidence and to provide objective evidence of Police and subject actions during encounters; therefore, Officers will activate the audio/video system to record the following:
    1. All traffic stops, pursuits, or emergency vehicle operation.
    2. The handling of other incidents which, in the judgment of the Officer, may result in criminal charges, complaints against the Officer or other personnel, civil liability, may have other value to law enforcement, for training purposes, or any other time deemed necessary by the operator or a supervisor.
    3. Officers have the discretion and are encouraged to manually begin recording as circumstance may warrant.
B. Once recording begins, Officers shall record the incident until the completion of the incident/event. Officers are not required to cease recording for anyone except at the Officer's own or a supervisor's discretion.
C. An Incident recording may be stopped prior to the end of the actual incident, based on the following circumstances:
    1. When the Officer reasonably believes that deactivation will not result in the loss of documentary evidence;

    If an Officer chooses to stop a recording prior to the end of the actual event, the Officer is expected to make a notation on the audio/video recording stating the reason for stopping the recording, prior to the completion of the incident/event. Alternatively, the Officer should be prepared to articulate a reason for stopping the recording should the need arise.
D. The wireless microphone may be turned off when conversations take place in the Police vehicle and the squad microphone has been activated, or, when conferring with other Officers to eliminate the possibility of exposure of internal police training and/or strategies.
E. Officers should manually activate the audio/video recording prior to activating the emergency lighting to record the driving conduct of a motorist.
F. Officers are encouraged to provide narration with the video recording prior to each traffic stop. The intent of the narration is to assist the Officer in necessary written documentation and to assist in supporting the reason for the stop.

3-23-7 RECORDED VIDEO CUSTODY AND CONTROL

A. Audio/video recordings generated are the exclusive property of the Buffalo Police Department and shall be governed by the policy and law regarding government data.
B. Officers do not have the ability to erase recorded video data. Officers my play the video while it is in the vehicle. The audio/video recording system prevents the recording over of previously recorded portions of the digital media. Officers shall inspect the

equipment at the beginning of each shift and promptly report any deviation in the operating condition or appearance to a supervisor.

C. Officers shall inspect the equipment at the beginning of each shift and promptly report any deviation in the operating condition or appearance to a supervisor.
D. Officers do not have access to view another officer's video.
E. Recorded media to be saved will be appropriately labeled with a case tag indicating the type of call. These tags are set up by system administrators.
F. Audio/video associated with arrests, citations or referral for criminal charges will be retained for two years.
G. For all other incidents not covered under F, digital media will be held for 12 months.
H. The following incidents will be retained on a case-by-case basis by police administration or at request of the prosecutor:
    1. Video which documents an incident in which there may be an allegation of Police employee misconduct.
    2. Video of any incident of a special or unusual nature.
I. Normally, recorded video will not be retained beyond 2 years, unless the Offender, Officer or Prosecutor request that the video be retained. In any case, if the actual violation is recorded on video, the Officer should note this in their report or citation notes.
K. Video Evidence collected under this section will only be disposed of as outlined herein, or after its evidentiary value has been exhausted.

3-23-8 USE OF VIDEO FOR TRAINING

A. Recorded video media that contain material that is deemed beneficial by the Training Sergeant for training purposes for members of the Police Department may, with the approval of the Chief of Police, be utilized for training purposes.
B. Officers are encouraged to recommend video evidence to be used for Department training.

3-23-9 DUPLICATION OF AUDIO/VIDEO RECORDINGS

A. The original audio/video recording shall remain in the custody of the Buffalo Police Department.
B. Requests for duplication of recorded digital media from Police Department employees must be made to the Chief of Police or his designee in a timely manner.
C. Audio/video tape and digital media duplicates will be provided to the prosecution or judiciary free of charge.
D. Requests for duplication of recorded digital media from public or private concerns shall be provided in accordance with the Data Practices Policy. The requestor must pay for the duplication of the audio/video digital media prior to the copy being produced.
E. Any time a recorded audio/video is duplicated, it must be done in a manner which preserves a secure chain of custody. See **1-12-8 CONTROL OF PROPERTY**

F. Employees shall not release or allow the viewing of digital media by any person outside the Buffalo Police Department without authorization from the Chief of Police or his designee or when mandated by law, other than those exceptions noted above.

3-23-10 RESPONSIBILITIES

A. Supervisors will ensure that the squad car audio/video equipment is used in accordance with this policy. They will assist operators to become proficient in the operation of the equipment by giving them initial training and ongoing support.
B. Operators will familiarize themselves with the equipment through study of the manual and practice to become proficient in all aspects of equipment operation.

BUFFALO POLICE DEPARTMENT
PROCEDURAL ORDERS

Effective: 11/24/2020	Reevaluation Date: MARCH 2024

3-24 EYEWITNESS IDENTIFICATIONS

3-24-1 PURPOSE

It is the purpose of this policy to establish guidelines for eyewitness identification procedures involving show-ups, photo arrays, and line-ups. Erroneous eyewitness identifications have been cited as the factor most frequently associated with wrongful convictions. Therefore, in addition to eyewitness identification, all appropriate investigative steps and methods should be employed to uncover evidence that either supports or eliminates the suspect identification.

3-24-2 POLICY

Officers shall adhere to the procedures for conducting eyewitness identifications set forth in this policy, in order to maximize the reliability of identifications, minimize erroneous identifications, and gather evidence that conforms to contemporary eyewitness identification protocols. Photo arrays and line-ups will be conducted by displaying the suspect and fillers sequentially using a blind or blinded administration.

3-24-3 PROCEDURES

3-24-4 DEFINITIONS

Show-up: The presentation of a suspect to an eyewitness within a short time frame following the commission of a crime to either confirm or eliminate him or her as a possible perpetrator. Show-ups, sometimes referred to as field identifications, are conducted in a contemporaneous time frame and proximity to the crime.

Line-up: The process of presenting live individuals to an eyewitness for the purpose of identifying or eliminating suspects.

Photo Array: A means of presenting photographs to an eyewitness for the purpose of identifying or eliminating suspects.

Administrator: The law enforcement official conducting the identification procedure.

Blinded Presentation: The administrator may know the identity of the suspect, but does not know which photo array member is being viewed by the eyewitness at any given time.

Confidence Statement: A statement in the witness's own words taken immediately after an identification is made stating his or her level of certainty in the identification.

Filler: A live person, or a photograph of a person, included in an identification procedure who is not considered a suspect.

Sequential: Presentation of a series of photographs or individuals to a witness one at a time.

Simultaneous: Presentation of a series of photographs or individuals to a witness all at once.

3-24-5 SHOW-UPS

The use of show-ups should be avoided whenever possible in preference to the use of a lineup or photo array procedure. However, when circumstances require the prompt presentation of a suspect to a witness, the following guidelines shall be followed to minimize potential suggestiveness and increase reliability.

a. Document the witness's description of the perpetrator prior to conducting the show up.

b. Conduct a show-up only when the suspect is detained within a reasonably time frame after the commission of the offense and within a close physical proximity to the location of the crime.

c. Do not use a show-up procedure if probable cause to arrest the suspect has already been established.

d. If possible, avoid conducting a show-up when the suspect is in a patrol car, handcuffed, or physically restrained by officers, unless safety concerns make this impractical.

e. Caution the witness that the person he or she is about to see may or may not be the perpetrator—and it is equally important to clear an innocent person. The witness should also be advised that the investigation will continue regardless of the outcome of the show-up.

f. Do not conduct the show-up with more than one witness present at a time.

g. Separate witnesses and do not allow communication between them before or after conducting a show-up.

h. If one witness identifies the suspect, use a line-up or photo array for remaining witnesses.

i. Do not present the same suspect to the same witness more than once.

j. Do not require show-up suspects to put on clothing worn by, speak words uttered by, or perform other actions of the perpetrator.

k. Officers should scrupulously avoid words or conduct of any type that may suggest to the witness that the individual is or may be the perpetrator.

l. Ask the witness to provide a confidence statement.

m. Remind the witness not to talk about the show-up to other witnesses until police or prosecutors deem it permissible.

n. Videotape the identification process using an in-car camera or other recording device when feasible.

o. Document the time and location of the show-up, the officers present, the result of the procedure, and any other relevant information.

3-24-6 LINE-UP AND PHOTO ARRAY PROCEDURES

1. Basic Procedures for Conducting a Line-up or Photo Array

a. Line-ups will not typically be utilized for investigations, unless conducting a photo array is not possible.

b. Whenever possible, a blind presentation shall be utilized. In cases where a blind presentation is not feasible for a photo array, a blinded presentation should be used. Live line-ups must be conducted using a blind presentation.

c. The line-up or photo array should consist of a minimum of six individuals or photographs. Use a minimum of five fillers and only one suspect.

d. Fillers should be reasonably similar in age, height, weight, and general appearance and be of the same sex and race, in accordance with the witness's description of the offender.

e. Avoid the use of fillers who so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.

f. Create a consistent appearance between the suspect and the fillers with respect to any unique or unusual feature (e.g., scars, tattoos, facial hair) used to describe the perpetrator by artificially adding or concealing that feature on the fillers.

g. If there is more than one suspect, include only one in each line-up or photo array.

h. During a blind presentation, no one who is aware of the suspect's identity should be present during the administration of the photo array. However, during a line-up, the suspect's attorney should be present.

i. Place suspects in different positions in each line-up or photo array, both across cases and with multiple witnesses in the same case.

j. Witnesses should not be permitted to see or be shown any photos of the suspect prior to the line-up or photo array.

k. The witness shall be given a copy of the following instructions prior to viewing the line-up or photo array and the administrator shall read the instructions aloud before the identification procedure.

You will be asked to look at a series of individuals.

The perpetrator may or may not be present in the identification procedure.

It is just as important to clear innocent persons from suspicion as it is to identify guilty parties.

I don't know whether the person being investigated is included in this series.

Sometimes a person may look different in a photograph than in real life because of different hair styles, facial hair, glasses, a hat or other changes in appearance. Keep in mind that how a photograph was taken or developed may make a person's complexion look lighter or darker than in real life.

You should not feel that you have to make an identification. If you do identify someone, I will ask you to describe in your own words how certain you are.

The individuals are not configured in any particular order.

If you make an identification, I will continue to show you the remaining individuals or photos in the series.

Regardless of whether you make an identification, we will continue to investigate the incident.

Since this is an ongoing investigation, you should not discuss the identification procedures or results

l. The line-up or photo array should be shown to only one witness at a time; officers should separate witnesses so they will not be aware of the responses of other witnesses.

m. Multiple identification procedures should not be conducted in which the same witness views the same suspect more than once.

n. Officers should scrupulously avoid the use of statements, cues, casual comments, or providing unnecessary or irrelevant information that in any manner may influence the witnesses' decision-making process or perception.

o. Following an identification, the administrator shall ask the witness to provide a confidence statement and document the witness's response.

p. The administrator shall ask the witness to complete and sign an Eyewitness Identification Procedure Form.

q. Line-up and photo array procedures should be video or audio recorded whenever possible. If a procedure is not recorded, a written record shall be created and the reason for not recording shall be documented. In the case of line-ups that are not recorded, agents shall take and preserve a still photograph of each individual in the line-up.

2. Photographic Arrays

a. Creating a Photo Array

1. Use contemporary photos.
2. Do not mix color and black and white photos.
3. Use photos of the same size and basic composition.
4. Never mix mug shots with other photos and ensure consistent appearance of photograph backgrounds and sizing.
5. Do not include more than one photo of the same suspect.

6. Cover any portions of mug shots or other photos that provide identifying information on the subject – and similarly cover other photos used in the array.
7. Where the suspect has a unique feature, such as a scar, tattoo, or mole or distinctive clothing that would make him or her stand out in the photo array, filler photographs should include that unique feature either by selecting fillers who have the same features themselves or by altering the photographs of fillers to the extent necessary to achieve a consistent appearance.
8. Fillers should not be reused in arrays for different suspects shown to the same witness.

b. Conducting the Photo Array

1. The photo array should be preserved, together with full information about the identification process as part of the case file and documented in a report.
2. If a blind administrator is not available, the administrator shall ensure that a blinded presentation is conducted using the following procedures.
    a. Place the suspect and at least five filler photos in separate folders for a total of six (or more depending on the number of fillers used).
    b. The administrator will take one folder containing a known filler and place it to the side. This will be the first photo in the series. The administrator should then shuffle the remaining folders (containing one suspect and the remainder of fillers) such that he or she cannot see how the line-up members are ordered. These shuffled folders will follow the first filler photo. The stack of photos is now ready to be shown to the witness.
    c. The administrator should position himself or herself so that he or she cannot see inside the folders as they are viewed by the witness.
3. The witness should be asked if he or she recognizes the person in the photo before moving onto the next photo. If an identification is made before all of the photos are shown, the administrator should tell the witness that he or she must show the witness all of the photos and finish showing the sequence to the witness, still asking after each photo if the witness recognizes the person in the photo.
4. If possible, the array should be shown to the witness only once. If, upon viewing the entire array the witness asks to see a particular photo or the entire array again, the witness should be instructed that he or she may view the entire array only one additional time. If a second viewing is permitted, it must be documented.

3. Line-ups

a. Conducting the Line-up

1. Live line-ups shall be conducted using a blind administrator.
2. Ensure that all persons in the line-up are numbered consecutively and are referred to only by number.

b. The primary investigating officer is responsible for the following:

1. Scheduling the line-up on a date and at a time that is convenient for all concerned parties, to include the prosecuting attorney, defense counsel, and any witnesses.
2. Ensuring compliance with any legal requirements for transfer of the subject to the line-up location if he or she is incarcerated at a detention center.
3. Making arrangements to have persons act as fillers.
4. Ensuring that the suspect's right to counsel is scrupulously honored and that he or she is provided with counsel if requested. Obtaining proper documentation of any waiver of the suspect's right to counsel.
5. Allowing counsel representing the suspect sufficient time to confer with his or her client prior to the line-up and to observe the manner in which the line-up is conducted.

BUFFALO POLICE DEPARTMENT
PROCEDURAL ORDERS

Effective: 01/25/2019	Reevaluation Date: MARCH 2024

3-25 TASER TRAINING AND USE

3-25-1 PURPOSE

The purpose of this policy is to provide guidelines for the use of the Advanced Taser. The X26P Advanced Taser has been determined to be an extremely effective, less than lethal/minimal impact weapon for gaining compliance of uncooperative subjects.

3-25-2 POLICY

This policy addresses the training and use of the X26P Advanced Taser. The Buffalo Police Department recognizes that combative, non-compliant, armed and/or violent subjects cause handling and control problems that require special training and equipment. Thus, the Buffalo Police Department has adopted the less-lethal force philosophy to assist with the de-escalation of these potentially violent confrontations.

3-25-3 DEFINITION

The X26P Advanced Taser is a hand-held, laser-aimed, battery-operated, less than lethal conducted energy weapon. For the purpose of this policy, the Advanced Taser is considered a less than lethal/minimal impact weapon, likely to have less lasting effects on a subject than chemical agents or impact weapons. The Advanced Taser is considered an approved electronic weapon for use by trained Buffalo Police Officers.

3-25-4 USE OF THE X26 ADVANCED TASER

A. The Advanced Taser may be used in situations where force is justified to control aggressive, non-compliant, and/or combative subjects, thereby reducing the likelihood of injury to both Officers and subjects.
B. The Advanced Taser may be deployed as a touch/stun weapon, when physical confrontations are in progress, or whenever otherwise appropriate.
C. The Advanced Taser may be used on aggressive animals, when appropriate.
D. Officers will notify a supervisor, as immediately as practical, following the deployment of an Advanced Taser upon a person.

E. Use of the Advanced Taser must be in compliance with all department policies, and the training provided to the user.

3-25-5 APPLICATION CONSIDERATIONS

A. The deploying officer shall inform other officers of the presence and/or planned use of the Advanced Taser as tactically prudent and practical, so the Advanced Taser shot is not mistaken for a gunshot.

B. The Advanced Taser will cycle for a period of 5 seconds, but may be turned off sooner. The charge from the Advanced Taser may be continued by keeping the trigger depressed, in cases where a more lengthy incapacitation of the subject is warranted.

C. Officers should restrain and control a subject upon whom the Advanced Taser has been deployed, as soon as it is possible to do so safely.

D. Used darts from the Advanced Taser are considered a biohazard and must be handled appropriately. This includes the use of gloves and designated biohazard evidentiary containers by department personnel.

E. Officers are to make every effort to avoid dart placement in the face, or soft tissue areas, which for purposes of this policy, include the eyes, neck, groin, breast, and genital area.

F. Officers must not overlook the possibility of injury to the subject that may result from falling from a standing position after deployment of the Advanced Taser.

G. The Advanced Taser is not a substitute for lethal force, where lethal force would otherwise be called for. The Advanced Taser may be used in circumstances where lethal force is authorized. Use of the Advanced Taser in a lethal-force situation should only occur when it can be done safely, and with full lethal-force back-up in place.

3-25-6 MEDICAL TREATMENT

A. When the Advanced Taser has been used on a subject, Officers must offer medical treatment to the subject.

B. Medical personnel must remove darts that may have penetrated soft tissue areas as defined in 3-25-5.

C. When available, an Officer of the same sex shall remove the darts from a subject.

3-25-7 RESTRICTED USES

A. The Advanced Taser shall not be used on individuals exhibiting compliant, or passive resisting behavior.

B. The Advanced Taser shall not be used on restrained individuals unless the actions of the subject present an immediate threat of bodily harm to themselves or others.

C. The Advanced Taser shall not be used when the presence of flammable fumes, liquids, or gasses are known or likely.

D. The Advanced Taser should not be used on women known to be pregnant, unless all other means short of lethal force have been used.
E. The Advanced Taser should not be used when the subject is in danger of falling from a significant height.
F. The Advanced Taser should not be used when the subject is in the water, and drowning is a possibility, unless sufficient personnel are present to immediately act to apprehend the subject.
G. School Resource Officers shall not carry the Advanced Taser as a part of their normal duties while assigned to the school, unless prior approval has been received on a case by case basis, by either the Chief of Police or his designee. This section shall not be construed as to restrict or otherwise limit the use of the Advanced Taser on school grounds, at school functions, or upon a juvenile, where Taser use is authorized under department policy guidelines.

3-25-8 DOCUMENTATION

A. Officers must make every reasonable effort to photograph any area of dart impact on the subject's person. If the person is of the opposite sex of the Officer taking the photographs, arrangements for photographs by a person of the same sex must be made.
B. Officers are required to fully document the Advanced Taser's use and results in a Use of Force Report in accordance with department policies.
C. Officers shall log the expended cartridge(s) into evidence.

3-25-9 TRAINING

A. All Officers who carry and deploy the Advanced Taser must be trained by a Certified Advanced
Taser Instructor.
B. All Officers must qualify once a year with the Advanced Taser under the direction of the Certified Advanced Taser Instructor.
C. For purposes of the Buffalo Police Department, the use of the Advanced Taser is considered to be at a level of force that is slightly higher than the use of a chemical irritant when deployed to areas of the suspect's body that are considered unlikely to cause death or serious physical injury.
B. The use of an Advanced Taser is considered deadly force if <u>intentionally</u> deployed to the head or neck.

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3-26 VEHICLE TOWING & IMPOUND

3-26-1 PURPOSE

Towing and impound of motor vehicles is a necessary part of serving the residents of Buffalo. Such vehicles may be abandoned, lost, stolen, or recovered. It is our responsibility to take custody of vehicles as necessary and to arrange proper storage and security. The Buffalo Police Department must keep timely and accurate records on all custody tows and make dispositions promptly.

Our agency will assist with other vehicle tows at request of victims of crime or traffic problems, such as traffic accidents. These non-custody tow requests must be handled in a fair and equitable manner for victims and the businesses supplying such services.

3-26-2 POLICY

The Buffalo Police Department makes custody tows as necessary, maintains security of property, and promptly makes proper disposition. The Department assists the public with non-custody tow requests in an impartial manner.

3-26-3 PROCEDURES

3-26-4 REMOVAL AND TOWING OF VEHICLES

The purpose of this directive is to establish guidelines for the removal or towing of vehicles.

A. Except as provided in Section N below, Officers may remove vehicles, or cause vehicles to be removed, under the following circumstances:
    1. When a report has been made that the vehicle was stolen or taken without the owner's consent; or
    2. When a vehicle is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal; or

3. When the driver of such vehicle is taken into custody by the officer and such vehicle would thereby be left unattended; or
4. When a vehicle is found being driven on the street and is not in proper condition to be driven; or
5. When removal is necessary in the interest of public safety because of fire, flood, storm, snow or other emergency reasons.
6. When the officer is able to determine that the vehicle lacks suitable motor vehicle insurance as required by law. Note: This section only applies where removal of the vehicle would require further operation in violation of law.
7. When the vehicle is abandoned, junk, or is unlawfully parked on private property, without the permission of the property owner.

B. Prisoner's Property. In the event the driver or owner of a vehicle is arrested, the vehicle will be handled in the following manner:
   1. The vehicle must be released to a responsible person designated by the driver (after proper ownership has been established), if the vehicle is not needed for evidence or forfeiture, and provided that valid insurance and proof of ownership can be established. (It is important to note that a full or partial search of the vehicle incident to arrest may be appropriate, depending upon the situation, but a search may not be authorized simply based on the arrest); or
   2. The officer will order the vehicle to be towed by the City's contracted tow service. A complete inventory search of the vehicle is allowed since the Department is responsible for the vehicle and its contents.

C. Abandoned, Junk, or Unauthorized Motor Vehicles. When an officer takes a vehicle into police custody because it is presumed abandoned, junk, or is an Unauthorized Vehicle, parked on private property without the permission of the person controlling the property, pursuant to Minnesota State Statutes, the officer will classify it as abandonment, junk, or unauthorized, as appropriate. A complete inventory will be made by the officer responsible for disposing of the vehicle.

D. Stolen Vehicles. Officers will determine who the reporting agency is and whether the vehicle should be held for evidentiary purposes. If another agency is the reporting agency, such agency shall be notified at the direction of the investigating officer. If the stolen vehicle is not to be held for evidentiary purposes or other reasons:
   1. Where practical and reasonable, the owner will be contacted and instructed to come to the scene and claim the vehicle. If the Officer chooses to have the owner report to the recovery scene, the Officer must remain with the vehicle until retrieved by the owner; or

2. If the owner of the vehicle is unable to respond immediately, the car will be towed.

E. Unlawfully Parked Vehicles. If the vehicle is parked in such a manner that there is no immediate traffic hazard, the officer will follow ordinary enforcement procedures and, although parked in violation, the vehicle will not be towed or impounded. However, when an officer finds a vehicle unattended upon a highway, bridge, street, roadway or tunnel, and that vehicle constitutes an obstruction to traffic, the officer may provide for removal of the vehicle.

F. Expired License Plates and Registration Violations: Vehicles being driven with expired license plates or other registration violations will be issued a regular traffic citation. The vehicle will not be impounded unless, in the officer's opinion, the violation is flagrant and exigent circumstances exist that justify impoundment. If the vehicle is parked on the street or right-of way, the officer should issue a citation to the registered owner.

G. Vehicle Accidents. Officers will comply with the departmental tow policy except in situations where an owner's request for a specific tow company is made and the vehicle does not require evidentiary processing and is not obstructing the roadway.

H. Other Non-Criminal Impoundments. When an officer takes a vehicle into police custody because there is reason to believe that it is part of the estate of a deceased person, or the property of an insane person or of a person taken to the hospital, or because it is property turned over to the department at the scene of a disaster, the officer will classify it as non-criminal impoundment.

I. Inventory Procedures. Whenever an officer is authorized to inventory a vehicle under these guidelines, the officer may examine the passenger compartment, the glove compartment and the trunk, whether or not locked. Any container, such as boxes or suitcases, found within the vehicle may be opened. Immediately upon completion of the inventory, the officer shall, if possible, roll up the windows and lock the doors and the trunk. Any items of value or significance observed during the inventory process are to be recorded on the Impound Report. Any items of evidence located and confiscated during the inventory process are to be handled and recorded as per standard evidence handling procedures.

J. Exceptions to These Guidelines. These guidelines may be modified or disregarded only upon specific authorization from a supervisor or department legal advisor.

K. Legal Basis. Any vehicle towed in conjunction with this section must be done so in compliance with MSS 169.041.

L. Private Property – Driver Taken into Custody. Any time a person is taken into custody and their motor vehicle is to remain unattended, there is a presumption that the vehicle will be impounded for safekeeping, unless sufficient details can be provided by the

Officer for deviation from this practice. This applies to both public and private property, except as otherwise indicated in this section.

If the vehicle is parked on private property, and not under the control of the vehicle driver or owner, the presumption is that the vehicle should be impounded for safekeeping. However, an Officer, at their discretion, may choose not to tow a vehicle that is parked on private property, provided that the person in control of the private property consents to the vehicle remaining on their property, and said person also agrees to be responsible for any and all claims for or against the vehicle. The name of the responsible party must be included in the Officer's report, and this option is only available at the request of the Driver and/or Vehicle owner.

In situations where there is no person immediately available who is in control of the private property, the vehicle should be impounded for safekeeping. Note that nothing in this section should be construed as to indicate that the driver and/or vehicle owner has a right to assert this option. This decision is at the discretion of the Officer and shall be based on their determination of reasonableness and/or appropriateness.

M. Forfeited Vehicles: If there is any potential for an impounded vehicle to be forfeited because of a designated offense, the Officer shall indicate on the Impound Report that the vehicle may not be released. The Officer shall complete the necessary forms related to the forfeiture and include these with their report. The officer shall also notify the forfeiture coordinator of the possible forfeiture.

N. Removal by Owner Allowed: If an owner or driver of a vehicle wishes to make arrangements for the removal of a vehicle which is otherwise subject to being towed or impounded, and this can be done in a reasonable period of time, the officer must allow the vehicle to be removed by the owner or driver, unless circumstances dictate otherwise. If the officer does not allow for the vehicle to be removed at the direction of the owner or driver, after their request, the officer must outline in their report why this option was not exercised. This section only applies to vehicles which are not needed for evidence, seizure, or forfeiture.

What constitutes a "reasonable period of time," is situational. Officers may consider various factors in determining what is reasonable, such as the location of the vehicle, weather conditions, available staff, dissipating evidence (such as a DWI arrest), pending calls for service, workload, etc. Generally, if removal of the vehicle will require wait time of more than 20-30 minutes, this will be considered unreasonable. Situational

factors could shorten or extend this timeframe. As noted above, these factors should be noted in the Officer's report where applicable.

3-26-5 Driver Arrested with Tow

When an officer arrests the driver of a motor vehicle and the vehicle remains unattended, impound and tow the motor vehicle under the following conditions:

A. **Driver Arrested** - Arrestee was driving vehicle immediately before arrest;
B. **Occupant Arrested** - Arrestee was in the vehicle, stopped or parked, immediately before arrest and the owner is not available or known;
C. **Arrestee States Responsibility** - Arrestee was in immediate vicinity of vehicle just before arrest, and states responsibility for the vehicle; or
D. **Vehicle Condition** - Condition of the vehicle will not permit operation without creating an articulable threat to public safety.

3-26-6 Driver Arrested without Tow

Officers should not tow vehicles after arresting a person under the following circumstances:

A. **Vehicle at Residence** - When arrestee's vehicle is parked at or in immediate vicinity of owner's residence. However, remove the ignition key and lock the vehicle (if it can be locked).
B. **Vehicle in Custody of Owner** - When arrestee does not own the vehicle, and the owner is present and able to take custody. Release the vehicle to custody of the owner.
C. **Vehicle in Custody of Other Proper Person** - When arrestee is owner of the vehicle, and requests to leave vehicle in custody of another person. If that person is present and able to take custody, then release the vehicle to custody of the designated person.
   NOTE: If the person who the owner wishes to have take custody is not actually on-scene at the time of the incident, the Officer may choose to impound the vehicle in lieu of waiting for their arrival. This decision should be based on the reasonableness and/or appropriateness of waiting for the designated individual.

3-26-7 Towing Prohibited

A. **No Valid Driver's License**: A vehicle may not be towed simply because the driver does not have a valid driver's license. If the driver is not taken into custody, and the vehicle is legally parked, and no other provisions of law or policy allow for the vehicle's removal, it must not be towed. If the vehicle is not towed, the driver should be advised that further operation of the vehicle without a license could result in an additional citation and/or custodial arrest.
B. **No Proof of Insurance**: A vehicle may not be towed for lack of proof of insurance. If the vehicle is uninsured, the vehicle may be removed as outlined Section 2-6-4 A-6.
C. **Generally**: Provided that a vehicle is not subject to seizure, forfeiture, or being held as evidence, and if an owner or driver of the motor vehicle requests that custody of their

vehicle be turned over to another, or if the owner or driver requests removal of the vehicle by another, the removal can be done within a reasonable period of time, and the removal can be done lawfully, then the vehicle is not to be towed or impounded.

3-26-8 Stolen Motor Vehicles

Take the following steps when you find a vehicle previously reported stolen or taken without owner's consent:

A. **Investigation of Incident** - Make a preliminary investigation, trying to identify the suspect. This includes processing the vehicle and scene for physical evidence and if you have reason to believe the suspect will probably return, surveillance of the vehicle.

B. **Disposition of Vehicle** - Tow or impound a vehicle when possible to avoid further theft or damage. If a vehicle can be properly released in a reasonable time to the owner or a person named by the owner, do not tow it. If an officer has arrested a suspect, however, the vehicle becomes physical evidence.

3-26-9 Abandoned Motor Vehicles

A. Minnesota Statute 168B.04 provides that the police may impound any abandoned or junk vehicle. It further provides that the police may also impound any "unauthorized" vehicle that has been left unattended on private property, under certain circumstances as authorized under Minnesota Statute 169.041.

The police may impound an abandoned or junk vehicle, subject to the provisions of these statutes. To be considered "abandoned" or "junk," a vehicle must fall under the definition of abandoned or junk vehicle, found in Minnesota Statute 168B.011, Definitions. These vehicles may only be removed after a period of 48 hours has elapsed, and then only after complying with Section B below.

Removal of an "unauthorized" vehicle, may be completed by complying with the associated Statutes. If the vehicle has been left on private non-residential property that does not contain a sign, warning of the towing of unauthorized vehicles, the vehicle may only be removed after 24 hours have elapsed. If the property is properly signed, the vehicle may be towed immediately, at the request of the property owner/controller. This is considered a police impound, and the appropriate process, including a vehicle inventory, should be completed. If the private parking is not posted, the Officer will chalk the tires, wait the required 24 hours, and then proceed accordingly, again complying with Section B below. Note that there are variables within the statute for removal of vehicles from Private Non-Residential, and Private Residential parking lots. Officers must comply with statutory guidelines associated with each separate designation.

B. Prior to removal, officers will make a reasonable attempt to contact the registered owner of the vehicle by phone or in person to advise the owner of the impending impoundment.
C. Officers are authorized to remove and impound vehicles abandoned on the streets or other public places under the following circumstances:
    1. **Bridges, Viaducts, Etc.** - When a person leaves a vehicle unattended on any bridge, viaduct or causeway or in any tunnel and such vehicle is an obstruction to traffic.
    2. **Traffic Obstruction** - When a person leaves a vehicle unattended upon a street and is an obstruction to the normal movement of traffic or obstructs the use of any traffic-way or alleyway adjoining said street.
    3. **Unlawfully Parked** - When a vehicle is parked in a prohibited area as designated by signs or other official markings. A citation is preferred, unless the vehicle is an obstruction to traffic.
    4. **Invalid License Plates** - When a vehicle is parked upon a street without having valid license plates properly displayed thereon. A citation is preferred, unless the vehicle is an obstruction to traffic.
    5. **Overtime Parking** - When a vehicle is parked upon any property owned, maintained or operated by the City for parking of motor vehicles and a person leaves the vehicle parked longer time than lawfully permitted. A citation is preferred, unless the vehicle is an obstruction to traffic.
    6. **City Property** - When a person leaves a motor vehicle unattended on any property owned or controlled by the City that is not designated for parking of motor vehicles. A citation is preferred, unless the vehicle is an obstruction to traffic.

3-26-10 Driver Hospitalization

Impound and tow a vehicle when persons are hospitalized and unable to provide for custody or removal of their disabled vehicle from a street or highway.

3-26-10 Evidence of a Crime

Impound and tow a vehicle known or believed used in committing a crime and has evidentiary value.

3-26-11 Other Circumstances for Custody Tows

Impound and tow a vehicle when state or federal laws call for the vehicle to be seized and impounded. Such cases include:

A. **Controlled Substances** - Vehicles transporting controlled substances unlawfully;
B. **Alcohol Violations** – Seizures as allowed pursuant to certain alcohol related offenses;
C. **Untaxed Commodities** - Vehicles transporting untaxed liquor or cigarettes;
D. **Explosive Devices** - Vehicles transporting unregistered explosive devices;

E. **Vehicle Identification Numbers** - Vehicles bearing an altered or defaced VIN, or where someone has removed the VIN.

3-26-12 Stolen Checks

When you impound a motor vehicle, promptly check attached state registration plates, any state license plates found inside the vehicle, and vehicle identification number through the state law enforcement information system and NCIC to determine if someone has reported it stolen.

3-26-13 Release of Impounded Vehicles

A. Vehicles may not be held for proof of insurance, valid driver, proof of ownership (unless necessary due to forfeiture, being held for evidence, or as part of an investigation), etc.
B. Unless the vehicle is being held as evidence, for processing, or pursuant to a forfeiture proceeding, all vehicles are eligible for release.
C. A vehicle release form will not be required for the release of vehicles from the tow company, when the Officer has indicated that the vehicle may be released.
D. A vehicle release form (or verbal notification of the tow company) will be required for the release of vehicles from the tow company, when the Officer has indicated that the vehicle may not be released.
E. If Officers receive inquiries from individuals seeking a release form for a vehicle that has been impounded, they should check the Incident Record. If it is determined that a vehicle is eligible for release and does not require a release form, they should inform the owner to contact the tow company directly.
F. No vehicle that has been indicated to be held shall be released by any Officer without supervisor approval.

3-26-14 Ownership of Vehicle

The owner must establish proof of ownership in person, when a vehicle is on a police hold. Police Department employees shall determine ownership in some other manner before releasing a vehicle if these documents are not available.

3-26-15 Payment of Tow Company

The owner must make arrangements for payment to the towing company for the tow and storage costs.

3-26-16 Right to Hearing

The owner of a vehicle towed by the Police Department may request a hearing to determine legality of the tow.

3-26-17 Non-custody Tows

Non-custody tows are requests by citizens for aid to remove their vehicle. Tow service operators are generally responsible for removal of debris from the streets at the scene as directed by the officer in charge. Officers should notify proper agencies to clean up large spills of solid materials, liquids calling for special equipment, and hazardous materials.

A. **Personal Preference** - Contact the tow company persons choose for help.
B. **Person has no Preference** - If persons do not request a specific tow company, contact the City's contracted towing service for towing.
C. **Do Not Recommend Tow Services** - Do not recommend a tow company.

3-26-18 Business with Tow Company

Owners or persons in charge of vehicles may direct the tow truck operator to tow their vehicle to any location including the tow company's storage facility.

A. **Payment of Tow Services** - Arrangements for payment of tow and storage charges is strictly a matter of civil process between the owner or person in control of the towed vehicle and the tow company.
B. **Safe Movement of Traffic** - Do not intervene except to ensure prompt removal of a vehicle obstructing and blocking traffic.

3-26-19 Impound Report

Impound Reports are to be submitted with the report or other documents related to the incident.

3-26-20 Notice to Owner of Vehicle

The Department shall try to notify the registered owner of a towed vehicle until making contact or until the law permits further disposition.

3-26-21 Record of Removal/Towing of Vehicle

Whenever a vehicle is removed or towed at the direction of an officer, an Impound Report will be completed to include the time, date, location, requesting officer, reason for removal or tow, towing service, location of the vehicle, and notification (or attempts) of the registered owner. The vehicle inventory must be completed on the Impound Report form. The officer shall note on the report whether or not the vehicle may be released. If the vehicle is to be held for

evidence purposes or for processing, the Officer shall indicate on the report that the vehicle may not be released. An Impound Report is not necessary in cases such as accident scenes where an officer orders a tow for a disabled vehicle where no one is arrested; or in cases of public assists or other occasions when the owner/driver requests a private tow other than the City's contracted tow service.

BUFFALO POLICE DEPARTMENT
PROCEDURAL ORDERS

Effective: 01/25/2019	Reevaluation Date: MARCH 2024

3-27 TRAFFIC CITATIONS

3-27-1 PURPOSE

The enforcement of traffic rules is a necessary and vital part of our services. Impartial policing and discretion should be used at all times to assist in the enforcement and education of the public in regard to traffic laws.

3-27-2 POLICY

The Buffalo Police Department will use traffic citations as a means of changing behavior that poses a risk to public safety and order. This will help ensure the greatest degree of public and traffic safety and reasonable aid. Employees should base their conduct and action in each instance on the facts of the situation as they reasonably appear, relying on experience, training and judgment.

3-27-3 PROCEDURES

3-27-4 TRAFFIC CITATIONS

The enforcement of traffic rules is a necessary and vital part of our services. Impartial policing and discretion should be used at all times to assist in the enforcement and education of the public in regard to traffic laws.

3-27-5 TYPES OF TRAFFIC CITATIONS

There are two types of Citations that can be issued:

- Citations that are for traffic and/or parking, that do not require a report.
- Citations that are for traffic or other circumstances that either require or warrant a report.

A. Citation without report:

If a citation is issued for a traffic and/or parking violation and no report is necessary, notes for the citation should be included. These notes should be completed in the notes section of the Ticket Writer program on the squad computer. A copy of the driving

record of the citation recipient and a copy of the vehicle registration should also be automatically attached in CJIS section of RMS. This information will be maintained with the file.

B. Citation with report:

If a citation is issued for a traffic and/or parking violation and the issuing officer feels that the circumstances of the citation and/or incident warrant the inclusion of a Narrative Report, the officer should complete a BPD CASE REPORT Form and a Narrative Report should be included. The appropriate driving record and/or vehicle registration should also accompany the reports.

A. Completion of citation:

When an electronic citation, warning, or fix-it ticket, is generated in Mobile, the initial information required for the ICR should automatically attach to the incident. This includes the CJIS queries, as well as the Officer Notes, which should show up automatically in the Summary section of the Incident. Officers should verify that this information has attached to the record, and if the information has attached, no additional data entry is required.

If the Officer issues a manual citation, warning, or fix-it ticket, or if the information from the electronic version does not automatically attach to the record, the Officer must update the record as required by policy.

3-27-6 VOIDING CITATIONS

If officers need to VOID a Citation for any reason, officers should send the Citation through with officer paperwork, with a Request to Void Citation form attached, indicating the reason officers wish to have the Citation voided.

There are three types of Citations to be voided:

A. Citations where we still possess all copies of the Citation
B. Citations where we have the original Citations, but the subject of the Citation has the hard-copy;
C. Citations where the subject has the hard-copy and the original citations have been sent to Court Administration.

In situations where we have all of the copies of the Citation, we may simply void the Citation based on officer request, depending upon the appropriateness of that action.

In situations where the original Citations have not left our office, but the subject has the hard-copy, we will need to send a letter to the subject indicating the fact that we are voiding the

citation. A copy of this letter will also need to be sent to Court Administration. In these cases, officers should draft this letter and place a copy of it with the Citation officers wish to void.

In situations where the original citations have left the office, we will need to make a formal request to the County Attorney to void the Citation or Dismiss the charge. Again, officers should draft this letter and place a copy of it with the Citation officers wish to void.

Note that officers may not issue a new, second, or corrected citation to the defendant for the same incident, unless and until officers are in possession of any copies of the original citation, which was presented to the defendant, or upon authorization of the Chief of Police or his designee.

3-27-7 COURT DATES

We do not issue Court Dates on Citations. Always leave the preset date in the Court Date section of any Citation, and make sure the defendant understands they are required to call Court Administration for a Court Date, should they wish to, or be required to appear on the violation.

3-27-8 EQUIPMENT REPAIR CITATIONS

If officers issue a Repair Notice/Fix-It Ticket to a driver, turn in a copy of the ticket with officer other paperwork. The clerical staff will process the paperwork and activate the file back to officers.

General Rules:

A. Officers may issue a "Warning" for no proof of insurance, but officers may not issue a "Fix-It" ticket for this. This was set up by the legislature. If officers want to ensure that a person provides proof of insurance to someone, officers should issue them a Citation.
B. Officers may not issue a Citation and a Fix-It ticket at the same time. If officers do this, the Citation will be immediately processed and the "Fix-It" ticket will be waiting to be processed. Officers could run into a problem where the individual pleads guilty to the first Citation, then receives a second Citation for failing to comply with the Fix-It Ticket. In this case, the second Citation would not be prosecutable.
C. Although the timeframe referenced on the Fix-It ticket is 7 days, Officers should always allow a total of 14 days for the Fix-It ticket to be returned, prior to the issuance of a hard-copy citation.
D. Extensions: If a person calls for an extension, officers should extend their notice for two weeks from the due-date shown on the active file. Officers will need to make sure they understand that failing to have the hard-copy <u>in our office</u> by the due-date will result in a citation being issued. We will not grant any other extensions. Make sure officers note the extension on the Active File.

E. If a person comes in with a Fix-It ticket to be signed (from BPD), or if officers are on the road and officers are asked to sign off on a Fix-It ticket, officers must check the date the ticket was issued. If it has been less than 14 days, sign off on the ticket, then notify the original issuing Officer that the repairs have been made. Turn in the repair notice with officer paperwork.

F. If officers are asked to sign off on a Fix-It ticket that is over 14 days old, officers should sign off on the ticket (making sure to note the date officers signed the ticket), but advise the person that since they are late, they may have already been issued a citation for the offense. Also, advise the person that if they receive a citation in the mail for the offense, they will need to contact our prosecutor to settle the citation. Once officers have informed them of this, then notify the original issuing Officer that the repairs have been made. Turn in the repair notice with officer paperwork.

G. If officers sign off a fix-it ticket that was written by any agency other than BPD, return the ticket to the offender and tell them that the ticket must be returned to the originating agency to avoid prosecution.

NOTE: CSO's may not sign off fix-it tickets for outside agencies, but may sign fix-it tickets for BPD tickets.

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3-28 TRAFFIC ESCORTS

3-28-1 PURPOSE

The Buffalo Police Department is a service organization and has a responsibility to protect life and property by responding promptly to requests from citizens for police aid. The Department helps persons within the City of Buffalo by supplying many services. We establish guidelines for giving aid to highway users and reporting hazardous highway situations.

Courtesy services to drivers, passengers and pedestrians enhances the public service image of the Department and often directly affects the safety and well-being of persons. Officers of the Buffalo Police Department supply needed services in the community. The Department handles roadway hazards, hazardous materials, abandoned vehicles and safety education to enhance highway safety.

3-28-2 POLICY

The Buffalo Police Department gives services to help ensure the greatest degree of public and traffic safety and reasonable aid. Employees should base their conduct and action in each instance on the facts of the situation as they reasonably appear, relying on experience, training and judgment.

3-28-3 PROCEDURES

3-28-4 NON-EMERGENCY ESCORTS

The Police Department receives many requests for non-emergency escort services. The Department gives police escorts in several situations if there are enough employees available to handle workload, and is within the scope of the type of escort.

3-28-5 FUNERAL ESCORTS

Officers of the Buffalo Police Department may escort funeral processions only within the corporate city limits. Officers should only attempt to control traffic at intersections when sufficient officers are present to do so safely.

3-28-6 BUILDING ESCORTS

Contact the Chief of Police for approval and assignment to escort buildings and other oversized loads.

3-28-7 DIGNITARY ESCORTS

Contact the Chief of Police for approval and assignment to escort public officials and other dignitaries.

3-28-8 MONEY ESCORTS

Deny requests by banks or other private businesses to escort money, unless the Chief of Police specifically authorizes an escort.

3-28-9 TRAFFIC ANCILLARY SERVICES

Traffic Ancillary services are important to safety and well-being of persons in the community. Follow these guidelines to supply services:

3-28-10 AID TO HIGHWAY USERS

A. Officers will stop and render aid to stranded motorists whenever possible. If, due to more pressing duty demands, the officer is unable to stop, the officer will notify the Communications Center. The Communications Center will send another officer to assist. If the motorist is outside department jurisdiction, the dispatcher will notify the appropriate agency.

B. When stalled vehicles are creating a traffic hazard, the officer will stop and provide traffic control until the hazard is removed.

C. Officer may assist with minor repairs, tire changing, jump starting (with permission of the Chief of Police, or in an emergency situation only) , obtaining fuel, etc., but should ensure such assistance does not interfere with their ability to respond to a higher priority call.

D. Transporting civilians is ordinarily limited to jurisdictional limits. Permission will be obtained from the Chief of Police or Supervisor to transport civilians outside the jurisdiction whenever possible. Officers providing transportation will inform the Communications Center of the starting point and destination, as well as starting/ending mileage if transported individual(s) are of the opposite sex from the officer.

E. Use of Push Bumpers: The use of push bumpers to assist in removing a vehicle from the roadway carries a high risk of causing damage to the squad car and/or the subject vehicle. The damage risk is high due to the design of push bumpers, the design and structure of vehicle bumpers, and because of the possibility of an air-bag deployment. Push bumpers should only be used to assist in removing a vehicle from the roadway when in the opinion of the officer, leaving the vehicle in its place creates a significant hazard, and there are no other immediate options available for the removal of the vehicle. Officers are encouraged to seek other methods of removal, other than through the use of push bumpers, whenever possible and/or feasible.

F. Check the well-being of persons who are not properly clothed for severe weather and help them get to shelter. Try to transport or arrange for transportation to a place of safety.

G. Prior to leaving the location of the stranded motorist, the officer will ensure the motorist (and any passengers) are in a safe area and instruct them to stay in the area until assistance arrives. The officer will check back after a reasonable amount of time to ensure assistance actually arrived.

3-28-11 HAZARDOUS HIGHWAY CONDITIONS

This policy establishes department procedures and guidelines for identifying, reporting and correcting hazardous highway and roadside conditions, roadway hazards, roadway defects, debris in roadway, defective signals, defective lighting equipment, abandoned vehicles and damaged or missing street signs can all become hazardous conditions which may lead to accidents or to vehicle damage.

Upon discovery of a hazardous highway or environmental condition, department personnel are expected to notify the Communications Center and request that the appropriate agency be contacted to have the hazard corrected.

A. If the hazard requires immediate action (such as a fallen tree or a down electrical wire) , personnel are expected to take the following action:
    1. The communications Center should be informed of the situation immediately;
    2. Appropriate assistance or special equipment should be summoned;
    3. The scene should be protected;
    4. Traffic direction and control should be initiated if necessary; and
    5. Other action as necessary should be started until the situation is under control.

B. If the hazard represents a potential accident situation, but does not present an immediate threat, personnel are expected to notify the Communications Center to make the proper notifications to have the matter repaired.

3-28-12 HAZARDOUS MATERIALS CONTROL

The control and removal of hazardous materials is the responsibility of the Fire Department. Responding officers will attempt to identify materials (if unknown), protect and isolate the scene, and obtain appropriate technical assistance. An officer advised of a possible hazardous materials spill or incident will employ the following procedures:

A. Obtain relevant information from the Communications Center, if possible, including identification of material and potentially dangerous characteristics.
B. Approach the incident from upwind, if possible, staying clear of spills, vapors, fumes and smoke.
C. Isolate the hazard area, evacuate non-essential personnel, coordinate traffic and crowd control, and provide emergency first aid as necessary.
D. Identify the material by finding one of the following:
    1. The 4-digit ID number on a placard or orange panel; or
    2. The 4-digit ID number (after UN/NA) on the shipping paper or package;
    3. The name of the material on a package, paper or placard.
    4. Identification of material from conveyance operator.
E. Relay all relevant information to the Communications Center. If unable to identify the material, maintain security of the hazard area to assure the safety of people and the environment.
F. Upon arrival of the Buffalo Fire Department, the officer in charge of the scene will brief the Fire Department command personnel about the situation and relinquish command of the scene to them.

3-28-13 ABANDONED VEHICLES

Always stay alert for abandoned vehicles in officer patrol area. Take prompt action on those reported stolen or creating a traffic hazard. Log those not obstructing traffic for follow-up action. See Towing Authority in Section 49.

3-28-14 TRANSPORTATION OF SICK AND INJURED PERSONS

The public often calls for officers to help sick and injured persons as part of officer official duties. Proper action at the scene can mean the difference between life and death, or permanent injury.

3-28-15 EMERGENCY TRANSPORTATION

Do not transport sick or injured persons in a Department vehicle unless exigent circumstances exist. Promptly request the ambulance for transportation and paramedic aid.

3-28-16 EMERGENCY AID

A. **First Aid** - Give needed first aid before the paramedics come on scene; and
B. **Notice to Family** - The medical facility will notify family in the case of care and emergency treatment.

3-28-17 REPORT DOCUMENTATION

If officers help a victim of accidental injury or sickness, finish and submit a written report.

3-28-18 EMERGENCY ESCORTS

Do not lead or escort any public or private vehicle carrying sick or injured persons to any medical facility or doctor's office. If necessary, officers may block an intersection for an ambulance, but do not escort them.

BUFFALO POLICE DEPARTMENT
PROCEDURAL ORDERS

Effective: 01/25/2019	Reevaluation Date: MARCH 2024

3-29 USE OF FORCE REPORTING

3-29-1 PURPOSE

The Chief or designee shall review all incidents involving the Use of Force and make additional inquiries, if necessary, to determine whether the use of force was in compliance with this policy and other policies that might be relevant to the incident.

3-29-2 POLICY

An Officer using significant or non-significant force shall, in all instances, prepare a Use of Force report in addition to all other reports concerning the matter. Such reports shall be completed within 24 hours of each such incident. If requested, the Officer will be required to make a general oral report of the incident to the Chief of Police or his designee directly following the incident. The Chief may suspend the application of this provision where an otherwise complete investigation of the incident will be undertaken.

3-29-3 DEFINITIONS

A. Significant Use of Force Incidents
    1. Use of Deadly Force
    2. Carotid Restraint or other Choke Control Holds
    3. In Custody Deaths
    4. Law Enforcement Related Injuries to the suspect or officer, requiring hospitalization*
    5. Head Strikes with impact weapons
    6. K9 contacts requiring hospitalization
    7. Tactical Negligence or Accidental Discharge
    8. Other high profile incidents as determined by the Chief of Police

B. Hospitalization: For purposes of this section, hospitalization shall mean admittance to the hospital, or other significant need for medical procedures. The Chief of Police will make the determination as to whether or not the required medical attention provided or required is considered significant.

C. Non-Significant Use of Force Incidents
    All other use of force incidents, which are not outlined above are automatically categorized as non-significant, unless the Chief specifically makes a determination otherwise.

3-29-4 PROCEDURES

3-29-5 USE OF FORCE REPORTING

Officers involved in an incident involving use of force should debrief after the incident and designate who will complete the report documenting the incident. The designated officer will write pertinent information in a narrative form and complete all applicable sections of the Use of Force report, making sure to include all circumstances surrounding the incident. Officers should:

- Write chronologically
- List the cause of officer actions, including officer suspicions and probable cause
- Record all factors that contributed to the incident
- Show the totality of the circumstances
- Record officer statements accurately
- State officer perceptions of the incident based upon officer training and experience
- Be specific about the force officers employed, areas the force was directed and the level of force used in lieu of other force options
- Detail the debriefing that occurred. (De-escalation and subject debriefing)
- Record Injuries, including photographs, of both the Officer and suspect injuries
- List names, addresses, and telephone numbers of all witnesses

3-29-6 REVIEW AND INVESTIGATION

The Chief or a designee will review each use of force report to ensure compliance with the department Use of Force policy. Use of Force incidents in which the Chief is personally involved, and all use of force reports which the Chief shall personally prepare in accordance with this section, will be reviewed by a designee of the Chief. If necessary, Use of Force Reports in which the Chief of Police is directly involved may be forwarded to the City/County Attorney for review.

3-29-7 CONCLUSION OF FACTS IN USE OF FORCE

The Chief or designee makes a final determination on acceptable performance and justification of use of force. If the results of review and investigation of a force incident indicate a violation of this policy or other policies that might be relevant to the incident, the Chief may call for a review of the policy or policies in question, disciplinary action, additional training or retraining, and/or a copy of the report and any investigative data may be forwarded to the City/County Attorney for review.

3-29-8 INCIDENTS REQUIRING USE OF FORCE REPORT

A written report prepared according to department procedures will be required in the following situations:

A. When a firearm is discharged outside of the firing range (excluding recreational or animal destruction incidents).
B. When a firearm is pointed at another person;
C. When a use of force results in death or injury;
D. When a non-lethal weapon is used on a person;
E. When force is used beyond routine escort procedures to control a resisting or combative subject; or
F. When any department use of force action results in non-employee injury or death.

3-29-9 USE OF FORCE NOTIFICATIONS

Officers involved in a Significant Use of Force Incident as defined above will notify the Chief immediately. If the Chief is not immediately available, Officers are required to proceed down the chain of command until contact is made with a supervisor.

Officers involved in a Non-Significant Use of Force Incident as defined in above will notify a supervisor immediately if one is available and will also submit an email to the Chief and supervisory staff advising of the incident.

BUFFALO POLICE DEPARTMENT
PROCEDURAL ORDERS

Effective: 12/14/2023	Reevaluation Date: MARCH 2024

3-30 USE OF FORCE

3-30-1 PURPOSE

It is the policy of the Buffalo Police Department to provide officers with guidelines for the use of force and deadly force in accordance with:

MN STAT 626.8452 DEADLY FORCE AND FIREARMS USE; POLICIES AND INSTRUCTION REQUIRED;
MN STAT 626.8475 DUTY TO INTERCEDE AND REPORT;
MN STAT 609.06 AUTHORIZED USE OF FORCE;
MN STAT 609.065 JUSTIFIABLE TAKING OF LIFE; and
MN STAT 609.066 AUTHORIZED USE OF FORCE BY PEACE OFFICERS.

3-30-2 POLICY

It is the policy of this law enforcement agency to ensure officers respect the sanctity of human life when making decisions regarding use of force. Sworn law enforcement officers have been granted the extraordinary authority to use force when necessary to accomplish lawful ends. Officers shall treat everyone with dignity and without prejudice and use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of others and the officer.

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

Officers should exercise special care when interacting with individuals with known physical, mental health, developmental, or intellectual disabilities as an individual's disability may affect the individual's ability to understand or comply with commands from peace officers.

The decision by an officer to use force or deadly force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for

occasions when officers may be forced to make quick judgments about using such force.

This policy is to be reviewed annually and any questions or concerns should be addressed to the immediate supervisor for clarification.

This policy applies to all licensed peace officers and part-time peace officers engaged in the discharge of official duties.

3-30-3 DEFINITIONS

a) ***Bodily Harm****:* Physical pain or injury.

b) ***Great Bodily Harm****:* Bodily injury which creates a high probability of death, or which causes serious, permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

c) ***Deadly Force****:* Force used by an officer that the officer knows, or reasonably should know, creates a substantial risk of causing death or great bodily harm. The intentional discharge of a firearm in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force.

d) ***De-Escalation***: Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

e) ***Other Than Deadly Force***: Force used by an officer that does not have the purpose of causing, nor create a substantial risk of causing, death or great bodily harm.

f) ***Choke Hold***: A method by which a person applies sufficient pressure to a person to make breathing difficult or impossible, and includes but is not limited to any pressure to the neck, throat, or windpipe that may prevent or hinder breathing, or reduce intake of air. Choke hold also means applying pressure to a person's neck on either side of the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.

g) ***Authorized Device****:* A device an officer has received permission from the agency to carry and use in the discharge of that officer's duties, and for which the officer has:

a. obtained training in the technical, mechanical and physical aspects of the

device; and

b. developed a knowledge and understanding of the law, rules and regulations regarding the use of such a device.

3-30-4 PROCEDURES

a) General Provisions

1. Use of physical force should be discontinued when resistance ceases or when the incident is under control.

2. Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person. In these situations, only the amount of force necessary to control the situation shall be used.

3. Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility.

4. All uses of force shall be documented and investigated pursuant to this agency's policies.

b) Duty to Intercede

Regardless of tenure or rank, an officer must intercede when:

a. present and observing another officer using force in violation of section 609.066, subdivision 2, or otherwise beyond that which is objectively reasonable under the circumstances; and
b. physically or verbally able to do so

c) Duty to Report

An officer who observes another officer use force that exceeds the degree of force permitted by law has the duty to report the incident in writing within 24 hours to the chief law enforcement officer of the agency that employs the reporting officer**.**

d) De-escalation:

1. An officer shall use de-escalation techniques and other alternatives to higher

levels of force consistent with their training whenever possible and appropriate before resorting to force and to reduce the need for force.

2. Whenever possible and when such delay will not compromise the safety of another or the officer and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

e) Use of Other Than Deadly Force

1. When de-escalation techniques are not effective or appropriate, an officer may consider the use of other than deadly force to control a non-compliant or actively resistant individual. An officer is authorized to use agency-approved other than deadly force techniques and issued equipment in the following circumstances:

    a. effecting a lawful arrest; or
    b. the execution of legal process; or
    c. enforcing an order of the court; or
    d. executing any other duty imposed upon the public officer by law; or
    e. defense of self or another.

f) Use of Certain Types of Force

1. Except in cases where deadly force is authorized as articulated in MN STAT. 609.066 to protect the peace officer or another from death or great bodily harm, officers are prohibited from using:

    a. Chokeholds,
    b. Tying all of a person's limbs together behind a person's back to render the person immobile, or;
    c. Securing a person in any way that results in transporting the person face down in a vehicle.

2. Less than lethal measures must be considered by the officer prior to applying these measures.

g) Use of Deadly Force

1. An officer is authorized to use deadly force if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that such force is necessary. Use of deadly force is justified when one or both of the following

apply;

a. To protect the peace officer or another from death or great bodily harm, provided that the threat:

   i. can be articulated with specificity;
   ii. is reasonably likely to occur absent action by the law enforcement officer; and
   iii. must be addressed through the use of deadly force without unreasonable delay; or

b. To effect the arrest or capture, or prevent the escape, of a person whom the peace officer knows or has reasonable grounds to believe has committed or attempted to commit a felony and the officer reasonably believes that the person will cause death or great bodily harm to another person under the threat criteria in paragraph (a), items (i) to (iii), unless immediately apprehended.

2. An officer shall not use deadly force against a person based on the danger the person poses to self if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that the person does not pose a threat of death or great bodily harm to the peace officer or to another under the threat criteria in paragraph (1a), items (i) to (iii).

3. Where feasible, the officer shall identify themselves as a law enforcement officer and warn of his or her intent to use deadly force.

4. In cases where deadly force is authorized, less than lethal measures must be considered by the officer.

h) Training

1. All officers shall receive training, at least annually, on this agency's use of force policy and related legal updates.

2. In addition, training shall be provided on a regular and periodic basis and designed to

   a. Provide techniques for the use of and reinforce the importance of de-escalation
   b. Simulate actual shooting situations and conditions; and
   c. Enhance officers' discretion and judgement in using other than deadly force in accordance with this policy.

3. Before being authorized to carry a firearm all officers shall receive training and instruction with regard to the proper use of deadly force and to the agency's policies and State statutes with regard to such force. Such training and instruction shall continue on an annual basis.

4. Before carrying an authorized device all officers shall receive training and instruction in the use of the device including training as it relates to its use in deadly force and/or other than deadly force situations. Such training and instruction shall continue on an annual basis.

5. Officers will carry and use only authorized devices unless circumstances exist which pose an immediate threat to the safety of the public or the officer requiring the use of a device or object that has not been authorized to counter such a threat.

6. With agency approval officers may modify, alter or cause to be altered an authorized device in their possession or control.

i) Recordkeeping Requirements

The chief law enforcement officer shall maintain records of the agency's compliance with use of force training requirements.

BUFFALO POLICE DEPARTMENT
PROCEDURAL ORDERS

Effective: 01/25/2019	Reevaluation Date: MARCH 2024

3-31 VEHICLE PURSUITS

3-31-1 PURPOSE

It is the primary mission of the Buffalo Police Department to protect lives while enforcing the law. In addition, it is the responsibility of the Buffalo Police Department to guide its officers in the safe and reasonable performance of their duties.

3-31-2 POLICY

The following policy is provided to control and regulate the manner in which emergency vehicle operations are undertaken and performed during vehicle pursuit operations. It is important to remember that drivers of authorized emergency vehicles are granted exemptions by statute from certain traffic laws to help protect lives, not to place them at undue risk.

3-31-3 DEFINITIONS

A. **Vehicle Pursuit:** An action by a police officer to follow or pursue a motor vehicle and/or driver in an attempt to apprehend and stop the motor vehicle and driver, who has refused a lawful order to stop their motor vehicle as outlined in MSS 609.487.
B. **Termination of a Pursuit:** A pursuit shall be deemed to have been terminated when the primary officer turns off their emergency equipment and advises the dispatch center that the pursuit has been terminated, or when the vehicle stops and/or is apprehended.
C. **Divided Highway:** Any highway which has been separated into two or more roadways by a physical barrier, or a clearly indicated dividing section so constructed as to impede vehicular traffic.
D. **Channeling:** To direct vehicular traffic into a progressively narrowing passageway or lane location on the roadway.
E. **Compelling Path:** The use of channeling techniques with a modified roadblock located at its narrowed end. The compelling path differs from a termination roadblock in that the driver or any vehicle traveling the path has an exit option at the narrowed end.
F. **Primary Unit:** The unit which will be the closest to the fleeing vehicle, and the unit that has responsibility for adherence to this policy.
G. **Secondary Unit:** The unit which will remain at a safe distance behind the primary unit, but close enough to provide support and to communicate with dispatch.

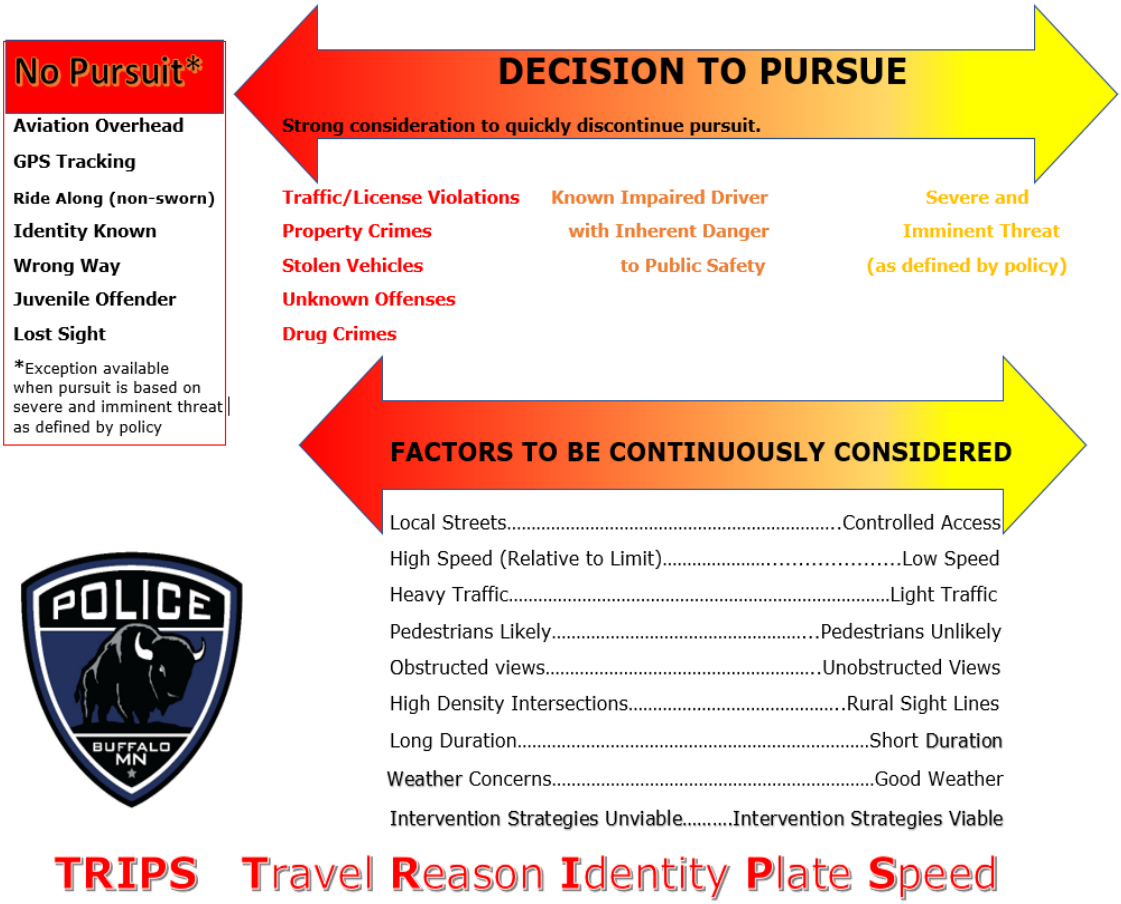
H. **Back-Up Unit:** Additional units which shall follow at a safe distance and shall be present only as necessary to provide additional assistance or support.

I. **Ranking Supervisor:** Ranking Supervisors shall be either the Chief of Police, or any other member of the Buffalo Police Department specifically designated by rank to be a supervisor.

J. **Supervisor:** The supervisor shall be any member of the Buffalo Police Department of superior rank to the officer engaged in the pursuit, or the senior officer on duty in the absence of a ranking supervisor.

K. **Pursuit Intervention Technique (PIT):** Pursuit Intervention Technique (PIT) is a controlled contact between a squad car and the pursued vehicle at low speeds which is intended to cause the operator of the pursued vehicle to lose control and the vehicle to become disabled.

L. **Required Initial Information (Travel-Reason-Identity-Plate-Speed "TRIPS"):** The minimum amount of information that must be communicated to dispatch as soon as possible and practical upon initiation of a pursuit, using the below graphic as a guide.



3-31-4 PROCEDURES

3-31-5 INITIATING A PURSUIT

A. A pursuit may be initiated by under the following circumstances:

1. When a vehicle operator fails to stop or attempts to flee after being given an appropriate signal as outlined in MSS 609.487., and
2. When there is a reasonable expectation of successful apprehension of the suspect.

B. Factors to be considered in initiating a pursuit

1. All elements contained in this policy
2. Nature of the offense
3. The need for immediate apprehension efforts
4. The risk to the community created by the pursuit
5. The risk to the community created by delaying apprehension efforts
6. Road and Weather Conditions
7. Traffic Conditions
8. Geographic Location
9. Presence and location of innocent bystanders
10. Type of vehicle involved
11. Time of day
12. Other options available to the officer

3-31-6 PURSUIT GUIDELINES

A. Officers must continually consider the risks created by the pursuit as outlined in 3-31-5 B. of this policy, as the factors involved may change during the course of the pursuit.

B. Officers must continue to evaluate the need for continuation of the pursuit.

Officers should consider:

1. Whether the need to immediately apprehend the suspect is greater than the risk that is created by continuing to pursue; and
2. If the danger created by the pursuit exceeds the danger posed by allowing the perpetrator to escape.

C. Emergency vehicles shall be driven in accordance with state statutes and department policy, and at all times in a safe manner with due regard for public safety.

D. Only authorized emergency vehicles shall be used as pursuit vehicles.

E. The officer operating the primary unit shall notify dispatch of the pursuit and shall provide at least the following information to dispatch:

1. Unit Identification
2. Offense for which the suspect is being pursued
3. Suspect vehicle description, including license number if reasonably possible.
4. Location, direction, and speed of both vehicles
5. Description of occupant(s) and if the suspect is known to the officer.

6. Any other important information about the suspect vehicle and/or environment (i.e. suspect vehicle traveling without lights, officer loses sight of suspect vehicle, etc.)

F. Prior to leaving local jurisdiction, the primary unit involved in a pursuit shall provide an update of critical information to the dispatcher.

G. The primary unit shall immediately begin using an available LTAC channel as the primary frequency for radio traffic during the pursuit.

H. The primary unit shall remain the primary unit in other jurisdictions where and when this is feasible.

I. Officers may use tire deflation devices provided they have received training on their use, and must use the devices in a manner consistent with that training.

J. Ramming:
The deliberate striking (ramming) of a pursued vehicle with a squad car at speeds greater than allowed for use of a Pursuit Intervention Technique (PIT) may be considered deadly force.

K. Training:
All officers shall be required to attend a pursuit driving school and any appropriate refresher courses as outlined and mandated by the P.O.S.T. Board or by law.

L. Pursuit Intervention Technique:
Officers trained in Pursuit Intervention Technique (PIT) may employ the technique against a pursued vehicle in order to terminate a pursuit or prevent a pursued vehicle from continued operation under the following circumstances:

- When all other means of apprehension have been considered and rejected as impracticable; and
- Only at speeds of 40 MPH or less on straight roadways, or 25 MPH or less in cornering situations; and
- When the risk of harm to the public of a continued pursuit outweighs the risk of harm to the public from an intentional low speed vehicular collision.

M. Motorcycles:
Intentional contact with a motorcycle is not authorized unless deadly force is justified pursuant to the department policy on use of deadly force.

N. Use of Firearms:
All officers shall adhere to department policy and State Statutes 609.06 and 609.066 concerning the use of deadly force, and the relationship to the use of firearms during a vehicle pursuit.

O. Use of Force:

Any and all tactics used in conjunction with a pursuit under this policy must be in conformance with the Use of Force policies adopted by the Buffalo Police Department and included in this manual.

3-31-7 SUPERVISOR RESPONSIBILITIES

A. Based on initial information provided to dispatch by the initiating officer, the supervisor shall make the decision to either take further appropriate action or to terminate the pursuit, and shall have full authority over all aspects of the pursuit.
B. In the event that no ranking supervisor or other supervisor is on duty or available as outlined in this policy, it shall be the responsibility of the officer initiating the pursuit to make all necessary evaluations relative to the continuation or discontinuance of the pursuit as outlined in this policy.
C. Upon being notified of the pursuit, the supervisor shall acknowledge their presence immediately, monitor the pursuit activities, and shall provide the primary unit with appropriate direction.
D. The supervisor shall request critical information necessary to evaluate the continuation of the pursuit.
E. Options for the supervisor to consider include but are not limited to:
    1. Paralleling of pursuit units in cases of wrong-way drivers
    2. Notification of adjacent jurisdictions
    3. Channeling techniques
    4. Creating a compelling path
    5. Use of Tire Deflation Devices
F. Upon notification of a pursuit entering this jurisdiction, the supervisor shall determine if the pursuit is in conformance with this policy, and shall provide appropriate direction to department units.
G. Post-pursuit chain of command notifications are required.

3-31-8 TERMINATION OF A PURSUIT

A. Terminating a pursuit shall be considered a decision made in the interest of public safety. Many times the termination of a pursuit is the safest and most appropriate action.
B. A pursuit may be terminated by a department supervisor or senior officer on duty at any time.
C. A pursuit may be terminated at any time by the primary unit, when in their opinion, the factors and considerations for continuance of the pursuit are outweighed by the risk to public safety.
D. If it becomes apparent that continuing the pursuit is out of compliance with this policy, the pursuit shall be terminated.

E. If normal communication with other units and/or dispatch is broken, the pursuit shall be terminated.
F. When visual contact with the suspect vehicle is lost for a reasonable period of time, or the direction of travel of the suspect vehicle cannot be determined, the pursuit shall be terminated.
G. When the suspect's identity is known and the suspect can be apprehended at a later time, and the delay in apprehension does not create a substantial known risk of injury or death to another, the pursuit shall be terminated.

3-31-9 DISPATCHER RESPONSIBILITIES

A. The dispatcher shall coordinate and communicate critical information to all units in a timely and accurate manner.
B. Upon receiving notification that the pursuit is entering another agency's jurisdiction, the dispatcher shall forward all critical information possessed by the dispatcher to that agency.
C. When a pursuit enters this department's jurisdiction, the dispatcher shall update the critical information to the on-duty supervisor.

3-31-10 OTHER OPTIONS TO PURSUIT

A. Air Support

   If it is possible to obtain air support, the pursuing officer should attempt to obtain it. If contact is made with air support, and air support has the suspect vehicle in sight, the primary unit shall reduce the level of pursuit to that of a secondary unit.
B. Tire Deflation Devices

   If tire deflation devices are available and can be deployed safely, the primary unit should direct support units on their deployment.

3-31-11 CARE AND CONSIDERATION OF VICTIMS

A. If during a pursuit, an officer observes or is made aware of an injury to an individual, the officer shall immediately notify the dispatcher to have the appropriate units respond.
B. The primary pursuit unit will be responsible for ensuring that assistance is provided to people who may have been injured during the course of a pursuit.
C. The primary pursuit unit may delegate the responsibility to render medical assistance to a specific support or backup unit. When a support or backup unit is not available, the primary pursuit vehicle will stop and render medical assistance.

3-31-12 PURSUIT REPORTING

A. Reporting:

To ensure compliance with Minn. Stat. 626.5532, the primary pursuit unit will complete a narrative report which must contain the following elements:

1. The reason(s) for, and the circumstances surrounding the incident;
2. The alleged offense;
3. The length of the pursuit including time and distance;
4. The outcome of the pursuit;
5. Any injuries or property damage resulting from the incident;
6. Any pending criminal charges against the driver.

The Chief of Police or designee will file notice of the incident with the commissioner of the department of public safety within 30 days following the pursuit.

B. Evaluation:
After each pursuit, the supervisor and department units involved with the pursuit will evaluate the pursuit and make any policy recommendations to the Chief of Police.

Effective: 05/18/2022	Reevaluation Date: MARCH 2024

3-33 USE OF CONFIDENTIAL INFORMANTS

3-33-1 PURPOSE

The 2021 Legislature passed MN Statute 626.8476 requiring every state and local law enforcement agency to establish and enforce a written policy governing the use of confidential informants.

3-33-2 POLICY

It is the policy of the Buffalo Police Department to establish procedures and protocols that take necessary precautions concerning the recruitment, control and use of confidential informants.

3-33-3 DEFINITIONS

A. Confidential Informant (CI): A person who cooperates with a law enforcement agency confidentially in order to protect the person or the agency's intelligence gathering or investigative efforts and; 1. seeks to avoid arrest or prosecution for a crime, mitigate punishment for a crime in which a sentence will be or has been imposed, or receive a monetary or other benefit; and 2. is able, by reason of the person's familiarity or close association with suspected criminals, to: i. make a controlled buy or controlled sale of contraband, controlled substance, or other items that are material to a criminal investigation; ii. supply regular or constant information about suspected or actual criminal activities to a law enforcement agency; or iii. otherwise provide information important to ongoing criminal intelligence gathering or criminal investigative efforts.

B. Controlled Buy: means the purchase of contraband, controlled substances, or other items that are material to a criminal investigation from a target offender that is initiated, managed, overseen, or participated in by law enforcement personnel with the knowledge of a confidential informant.

C. Controlled Sale: means the sale of contraband, controlled substances, or other items that are material to a criminal investigation to a target offender that is initiated, managed, overseen, or participated in by law enforcement personnel with the knowledge of a confidential informant.

D. Mental Harm: means a psychological injury that is not necessarily permanent but results in visibly demonstrable manifestations of a disorder of thought or mood that impairs a person's judgment or behavior.

E. Target Offender: means the person suspected by law enforcement personnel to be implicated in criminal acts by the activities of a confidential informant.

F. Confidential Informant File: means a file maintained to document all information that pertains to a confidential informant.

G. Unreliable Informant File: means a file containing information pertaining to an individual who has failed at following an established written confidential informant agreement and has been determined to be generally unfit to serve as a confidential informant.

H. Compelling Public Interest: means, for purposes of this policy, situations in which failure to act would result or likely result in loss of life, serious injury, or have some serious negative consequence for persons, property, or public safety and therefore demand action.

I. Overseeing Agent: means the officer primarily responsible for supervision and management of a confidential informant.

3-33-4 PROCEDURES

A. Initial Suitability Determination An initial suitability determination must be conducted on any individual being considered for a role as a CI. The initial suitability determination includes the following:

1. An officer requesting use of an individual as a CI must complete an Initial Suitability Report. The report must be submitted to the appropriate individual or entity, as determined by the agency chief executive, to review for potential selection as a CI. The report must include sufficient detail regarding the risks and benefits of using the individual so that a sound determination can be made. The following information must be addressed in the report, where applicable:

a. Age, sex, and residence

b. Employment status or occupation

c. Affiliation with legitimate businesses and illegal or suspicious enterprises

d. Extent to which potential information, associations, or other assistance could benefit a present or future investigation

e. Relationship with the target of an investigation

f. Motivation in providing information or assistance

g. Risk of adversely affecting an existing or future investigation

h. Extent to which provided information can be corroborated

i. Prior record as a witness

j. Criminal history, to include whether he or she is the subject of a pending investigation, is under arrest, or has been charged with a crime

k. Risk to the public or as a flight risk

l. Consultation with the individual's probation, parole, or supervised release agent, if any

m. Consideration and documentation of the individual's diagnosis of mental illness, substance use disorder, traumatic brain injury, or disability; and consideration and documentation of the individual's history of mental illness, substance use disorder, traumatic brain injury or disability

n. Relationship to anyone in law enforcement

o. Risk of physical harm to the potential CI or their immediate family or relatives for cooperating with law enforcement p. Prior or current service as a CI with this or another law enforcement organization

2. Prior to an individual's use as a CI, a supervisor or other designated authority must review the Initial Suitability Report and determine if the individual is authorized to serve as a CI.

3. Any prospective or current CI must be excluded from engaging in a controlled buy or sale of a controlled substance if the prospective or current CI:

a. is receiving in-patient treatment or partial-hospitalization treatment administered by a licensed service provider for a substance use disorder or mental illness; or

b. is participating in a treatment-based drug court program or treatment court; except that

c. the prospective or current CI may provide confidential information while receiving treatment, participating in a treatment-based drug court program or treatment court.

4. Documentation and special consideration must be made of the risks involved in engaging a prospective or current CI in the controlled buy or sale of a controlled substance if the individual is known, or has reported, to have experienced a drug overdose in the previous 12 months.

5. Any prospective or current CI who is known to abuse substances, or is at risk for abusing substances, should be provided referral to prevention or treatment services.

6. Any prospective or current CI that has a physical or mental illness that impairs the ability of the individual to understand instructions and make informed decisions should be referred to a mental health professional or other appropriate medical professional, or a case manager/social worker from the county social services agency, or other substance abuse and mental health services.

7. Each CI's suitability must be reviewed every 6 months, at a minimum, during which time the CI's overseeing agent must submit a Continuing Suitability Report addressing the foregoing issues in 3-33-4 A.1.a–p, and 3-33-4 A.3-6, where applicable. An initial suitability determination must be conducted on a reactivated CI regardless of the length of inactivity.

8. Any information that may negatively affect a CI's suitability during the course of their use must be documented in the CI's file and forwarded to the appropriate authorized personnel as soon as possible.

9. Supervisors must review informant files regularly with the overseeing agent and must attend debriefings of CIs periodically as part of the informant management process. If a CI is active for more than 12 months, a supervisory meeting with the CI must be conducted without the overseeing agent.

10. CI contracts must be terminated, and the CI file placed in inactive status when the CI has not been utilized for 6 months or more.

B. Exigent Confidential Informants

1. Certain circumstance arise when an individual who has been arrested is willing to immediately cooperate and perform investigative activities under the direction of an overseeing agent. In these circumstances, the initial suitability determination can be

deferred and an individual may be utilized as a CI for a period not to exceed 12 hours from the time of arrest if:

a. The individual is not excluded from utilization as a CI under 3-34-3.A(3)(a-c) of this policy; and

b. There is compelling public interest or exigent circumstances exist that demand immediate utilization of the individual as a CI and any delay would significantly and negatively affect any investigation; and

c. A supervisor has reviewed and approved the individual for utilization as a CI under these circumstances.

2. Upon the conclusion of the 12-hour window, or at any time before, an initial suitability determination must be conducted before the individual engages in any further CI activities.

C. Special CI Approval Requirements

Certain individuals who are being considered for use as a CI require special review and approval. In all instances, the agency's chief executive or their designee and the office of the prosecutor or county attorney should be consulted prior to the use of these individuals as CIs. These individuals include the following:

1. Juveniles

a. Use of a juvenile under the age of 18 for participating in a controlled buy or sale of a controlled substance or contraband may be undertaken only with the written authorization of the individual's parent(s) or guardian(s), except that the juvenile informant may provide confidential information.

b. Authorization for such use should be granted only when a compelling public interest can be demonstrated, except that

c. Juveniles under the guardianship of the State may not be used as a CI.

2. Individuals obligated by legal privilege of confidentiality.

3. Government officials.

D. General Guidelines for Overseeing CIs

General guidelines for overseeing CIs are as follows:

1. CIs must be treated as assets of the agency, not the individual overseeing agent.

2. No promises or guarantees of preferential treatment within the criminal justice system will be made to any informant without prior approval from the prosecuting authority.

3. CIs must not be used without authorization of the agency through procedures identified in this policy.

4. CIs must not be used to gather information purely of a political nature or for other information gathering efforts that are not connected with a criminal investigation.

5. Under no circumstances must an informant be allowed access to restricted areas or investigators' work areas within a law enforcement agency.

6. All CIs must sign and abide by the provisions of the agency's CI agreement.

7. Any physical or mental illness that impairs the CI's ability to knowingly contract or otherwise protect the informant's self-interest must be taken into consideration before the CI signs the agreement.

8. The CI's overseeing agent must discuss each of the provisions of the agreement with the CI, with particular emphasis on the following:

a. CIs may voluntarily initiate deactivation, whereupon the protocols outlined in section E of this policy must be followed.

b. CIs are not law enforcement officers. They have no arrest powers, are not permitted to conduct searches and seizures, and may not carry a weapon while performing activities as a CI.

c. CIs found engaging in any illegal activity beyond what is authorized by the agency and conducted while under the supervision of an overseeing agent, will be subject to prosecution.

d. CIs are prohibited from engaging in actions or activities that could be deemed entrapment. The meaning of the term and implications of such actions must be explained to each CI.

e. CIs are prohibited from engaging in self-initiated information or intelligence gathering without agency direction and approval. The CI must not take any actions in furtherance of an investigation without receiving specific instruction(s) from the overseeing agent or agency.

f. Every reasonable effort will be taken to ensure the confidentiality of the CI but, upon judicial order, he or she may be required to testify in open court.

g. CIs may be directed to wear a listening and recording device.

h. CIs must be required to submit to a search before and after a controlled purchase.

i. CIs who participate in unplanned or unanticipated activities or meet with a subject(s) under investigation in a location outside of the jurisdictional boundary of the handling agency must promptly report that activity or meeting to their overseeing agents.

9. CI activity outside jurisdictional boundaries:

a. Investigators handling CIs who engage in operational activity in locations outside the jurisdictional boundaries of the agency must coordinate with counterparts in law enforcement agencies that have jurisdiction in that location where the CI will operate before any activity occurs, or in a timely manner after unanticipated activity occurs and is brought to the attention of the overseeing agent.

b. Any decision to defer or delay notice to or coordinate with an outside agency having jurisdiction in the area where a CI has or may operate must be documented, reviewed, and approved by the agency's chief executive or their designee.

10. Officers must take the utmost care to avoid conveying any confidential investigative information to a CI, such as the identity of other CIs, surveillance activities, or search warrants, other than what is necessary and appropriate for operational purposes.

11. No member of this agency must knowingly maintain a social relationship with a CI, or otherwise become personally involved with a CI beyond actions required in the performance of duty.

12. Members of this agency must not solicit, accept gratuities from, or engage in any private business transaction with a CI.

13. Meetings with a CI must be conducted in private with another officer or agent present and with at least one officer or agent of the same sex, except when not practical. The meeting location should minimize the potential for discovery of the informant's cooperation and provide sufficient space to complete necessary administrative duties. The meetings must be documented and subsequently entered into the individual's CI file.

14. Overseeing agents must develop and follow a communications strategy and plan with the CI that minimizes, to the greatest extent possible, the risk of discovery or compromise of the relationship between the agency and the CI. This plan should also aim to prevent the detection, compromise, or interception of communications between the overseeing agent and the CI.

15. Procedures must be instituted to assist CIs with concealing their identity and maintaining their safety. Care should be given not to expose CIs to unnecessary safety risks.

16. Preceding or following every buy or sale of controlled substances, overseeing agents must screen the CI for any personal safety or mental health concerns, risk of substance abuse, and/or potential relapse in any substance abuse recovery.

a. At the request of the CI, or if the overseeing agent deems it necessary, reasonable efforts should be taken to provide the CI with referral to substance abuse and/or mental health services.

b. Overseeing agents must document:

i. the screening,

ii. any referral to services provided to, or requested by, the CI, and

iii. any refusal by the CI to participate in the screening and/or any refusal by the CI to accept referral to services. Reasons for the CI's refusal must be documented, where applicable.

c. No part of this subsection supersedes MN Stat. 253B.05, sub.2.

17. Reasonable protective measures must be provided for a CI when any member of this agency knows or should have known of a risk or threat of harm to a person serving as a CI and the risk or threat of harm is a result of the informant's service to this agency.

18. Overseeing agents must:

a. evaluate and document the criminal history and propensity for violence of target offenders; and

b. to the extent allowed, provide this information to the CI if there is a reasonable risk or threat of harm to the CI as a result of the CI's interaction with the target offender.

19. Reasonable efforts and precautions must be made to help protect the identity of a CI during the time the person is acting as an informant.

20. Whenever possible, officers must corroborate information provided by a CI and document efforts to do so.

21. The name of a CI must not be included in an affidavit for a warrant unless judicial authority is obtained to seal the document from the public record or the CI is a subject of the investigation upon which the affidavit is based.

22. Overseeing agents are responsible for ensuring that information of potential value to other elements of the agency is provided promptly to authorized supervisory personnel and/or other law enforcement agencies as appropriate.

23. Individuals leaving employment with the agency have a continuing obligation to maintain as confidential the identity of any CI and the information he or she provided unless obligated to reveal such identity or information by law or court order.

E. Establishment of an Informant File System

An informant file system must be established as follows:

1. The agency chief executive must designate a file supervisor who must be responsible for developing and maintaining master CI files and an indexing system.

2. A file must be maintained on each CI deemed suitable by the agency.

3. An additional Unreliable Informant File must be established for CIs deemed unsuitable during initial suitability determinations or at a later time.

4. Each file must be coded with an assigned informant control number for identification within the indexing system and must include the following information, where applicable:

a. Name, aliases, and date of birth

b. Height, weight, hair color, eye color, race, sex, scars, tattoos, or other distinguishing features

c. Emergency contact information

d. Name of the officer initiating use of the informant and any subsequent overseeing agents

e. Photograph and criminal history record

f. Current home address and telephone number(s)

g. Residential addresses in the last five years

h. Current employer, position, address, and telephone number

i. Social media accounts

j. Marital status and number of children

k. Vehicles owned and their registration numbers

l. Places frequented m. Gang affiliations or other organizational

n. Briefs of information provided by the CI and the CI's subsequent reliability

o. Special skills and hobbies

p. Special areas of criminal expertise or knowledge

q. A copy of the signed informant agreement

5. CI files must be maintained in a separate and secured area.

6. The file supervisor must ensure that information concerning CIs is strictly controlled and distributed only to officers and other authorities who have a need and a right to such information.

7. CI File Review

a. Sworn personnel may review an individual's CI file only upon the approval of the agency's chief executive or their designee.

b. The requesting officer must submit a written request explaining the need for review. A copy of this request, with the officer's name, must be maintained in the individual's CI file.

c. Officers must not remove, copy, or disseminate information from the CI file.

d. CI files must be reviewed only in designated areas of the law enforcement facility and returned as soon as possible to their secure file location.

e. All disclosures or access to CI files must be recorded by the file supervisor, to include information such as the requesting officer or agency, the purpose of access or disclosure, the information conveyed, and the date and time of access or dissemination.

f. No portion of an individual's CI file must be entered into any other electronic or related database without controls sufficient to exclude access to all but authorized personnel with a need and a right to know.

F. Deactivation of Confidential Informants

A CI deactivation procedure must be established as follows:

1. The overseeing agent must complete a deactivation form that includes, at minimum, the following:

a. The name of the agency.

b. The name of the CI.

c. The control number of the CI, where applicable.

d. The date of deactivation.

e. The reason for deactivation.

f. A notification that contractual agreements regarding monetary re-numeration, criminal justice assistance, or other considerations, specified or not, are terminated.

g. A notification that the agency will provide and assist the CI with referral to health services for assistance with any substance abuse disorder and/or physical, mental, or emotional health concerns, as requested or accepted by the CI.

h. A signature by the CI or documentation indicating the reason(s) why the CI was unable or unwilling to sign the form.

i. A signature by the overseeing agent.

2. All reasonable efforts must be taken to maintain the safety and anonymity of the CI after deactivation.

G. Monetary Payments

Monetary payments must be managed as follows:

1. All monetary compensation paid to CIs must be commensurate with the value of the information or assistance provided to the agency. 2. All CI payments must be approved in advance by the officer in charge of confidential funds. 3. Officers must provide accounting of monies received and documentation for confidential funds expended. Any documentation of monies paid or received should not contain the true identity of the informant but should use the CI's control number. 4. Two officers must be present when making payments or providing funds to CIs. 5. The appropriate individual, as designated by the agency's chief executive, must ensure that the process for authorization, disbursement, and documentation of CI payments, as well as the accounting and reconciliation of confidential funds, is consistent with agency policy. 6. If a CI is authorized to work with another law enforcement or prosecutorial agency, financial payments must be coordinated between the agencies in a manner that is proportionate to the assistance rendered to each agency and consistent with provision III.F.1. of this policy. 7. Written records of receipts are retained, or justification for the exception is documented when a written receipt is not available.

3-23-4 RESCUE DECISION

3-23-5 RESCUE ATTEMPTS AND EFFORTS

3-23-6 RESCUE EQUIPMENT

3-23-7 SAFETY PROVISIONS

59.7.5 Training

Effective: 05/24/2022	Reevaluation Date: MARCH 2024

3-33 USE OF CONFIDENTIAL INFORMANTS

3-33-1 PURPOSE

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B. Controlled Buy: means the purchase of contraband, controlled substances, or other items that are material to a criminal investigation from a target offender that is initiated, managed, overseen, or participated in by law enforcement personnel with the knowledge of a confidential informant.

C. Controlled Sale: means the sale of contraband, controlled substances, or other items that are material to a criminal investigation to a target offender that is initiated, managed, overseen, or participated in by law enforcement personnel with the knowledge of a confidential informant.

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G. Unreliable Informant File: means a file containing information pertaining to an individual who has failed at following an established written confidential informant agreement and has been determined to be generally unfit to serve as a confidential informant.

H. Compelling Public Interest: means, for purposes of this policy, situations in which failure to act would result or likely result in loss of life, serious injury, or have some serious negative consequence for persons, property, or public safety and therefore demand action.

I. Overseeing Agent: means the officer primarily responsible for supervision and management of a confidential informant.

3-33-4 PROCEDURES

A. Initial Suitability Determination An initial suitability determination must be conducted on any individual being considered for a role as a CI. The initial suitability determination includes the following:

1. An officer requesting use of an individual as a CI must complete an Initial Suitability Report. The report must be submitted to the appropriate individual or entity, as determined by the agency chief executive, to review for potential selection as a CI. The report must include sufficient detail regarding the risks and benefits of using the individual so that a sound determination can be made. The following information must be addressed in the report, where applicable:

a. Age, sex, and residence

b. Employment status or occupation

c. Affiliation with legitimate businesses and illegal or suspicious enterprises

d. Extent to which potential information, associations, or other assistance could benefit a present or future investigation

e. Relationship with the target of an investigation

f. Motivation in providing information or assistance

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h. Extent to which provided information can be corroborated

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j. Criminal history, to include whether he or she is the subject of a pending investigation, is under arrest, or has been charged with a crime

k. Risk to the public or as a flight risk

l. Consultation with the individual's probation, parole, or supervised release agent, if any

m. Consideration and documentation of the individual's diagnosis of mental illness, substance use disorder, traumatic brain injury, or disability; and consideration and documentation of the individual's history of mental illness, substance use disorder, traumatic brain injury or disability

n. Relationship to anyone in law enforcement

o. Risk of physical harm to the potential CI or their immediate family or relatives for cooperating with law enforcement p. Prior or current service as a CI with this or another law enforcement organization

2. Prior to an individual's use as a CI, a supervisor or other designated authority must review the Initial Suitability Report and determine if the individual is authorized to serve as a CI.

3. Any prospective or current CI must be excluded from engaging in a controlled buy or sale of a controlled substance if the prospective or current CI:

a. is receiving in-patient treatment or partial-hospitalization treatment administered by a licensed service provider for a substance use disorder or mental illness; or

b. is participating in a treatment-based drug court program or treatment court; except that

c. the prospective or current CI may provide confidential information while receiving treatment, participating in a treatment-based drug court program or treatment court.

4. Documentation and special consideration must be made of the risks involved in engaging a prospective or current CI in the controlled buy or sale of a controlled substance if the individual is known, or has reported, to have experienced a drug overdose in the previous 12 months.

5. Any prospective or current CI who is known to abuse substances, or is at risk for abusing substances, should be provided referral to prevention or treatment services.

6. Any prospective or current CI that has a physical or mental illness that impairs the ability of the individual to understand instructions and make informed decisions should be referred to a mental health professional or other appropriate medical professional, or a case manager/social worker from the county social services agency, or other substance abuse and mental health services.

7. Each CI's suitability must be reviewed every 6 months, at a minimum, during which time the CI's overseeing agent must submit a Continuing Suitability Report addressing the foregoing issues in 3-33-4 A.1.a–p, and 3-33-4 A.3-6, where applicable. An initial suitability determination must be conducted on a reactivated CI regardless of the length of inactivity.

8. Any information that may negatively affect a CI's suitability during the course of their use must be documented in the CI's file and forwarded to the appropriate authorized personnel as soon as possible.

9. Supervisors must review informant files regularly with the overseeing agent and must attend debriefings of CIs periodically as part of the informant management process. If a CI is active for more than 12 months, a supervisory meeting with the CI must be conducted without the overseeing agent.

10. CI contracts must be terminated, and the CI file placed in inactive status when the CI has not been utilized for 6 months or more.

B. Exigent Confidential Informants

1. Certain circumstance arise when an individual who has been arrested is willing to immediately cooperate and perform investigative activities under the direction of an overseeing agent. In these circumstances, the initial suitability determination can be

deferred and an individual may be utilized as a CI for a period not to exceed 12 hours from the time of arrest if:

a. The individual is not excluded from utilization as a CI under 3-33-3.A(3)(a-c) of this policy; and

b. There is compelling public interest or exigent circumstances exist that demand immediate utilization of the individual as a CI and any delay would significantly and negatively affect any investigation; and

c. A supervisor has reviewed and approved the individual for utilization as a CI under these circumstances.

2. Upon the conclusion of the 12-hour window, or at any time before, an initial suitability determination must be conducted before the individual engages in any further CI activities.

C. Special CI Approval Requirements

Certain individuals who are being considered for use as a CI require special review and approval. In all instances, the agency's chief executive or their designee and the office of the prosecutor or county attorney should be consulted prior to the use of these individuals as CIs. These individuals include the following:

1. Juveniles

a. Use of a juvenile under the age of 18 for participating in a controlled buy or sale of a controlled substance or contraband may be undertaken only with the written authorization of the individual's parent(s) or guardian(s), except that the juvenile informant may provide confidential information.

b. Authorization for such use should be granted only when a compelling public interest can be demonstrated, except that

c. Juveniles under the guardianship of the State may not be used as a CI.

2. Individuals obligated by legal privilege of confidentiality.

3. Government officials.

D. General Guidelines for Overseeing CIs

General guidelines for overseeing CIs are as follows:

1. CIs must be treated as assets of the agency, not the individual overseeing agent.

2. No promises or guarantees of preferential treatment within the criminal justice system will be made to any informant without prior approval from the prosecuting authority.

3. CIs must not be used without authorization of the agency through procedures identified in this policy.

4. CIs must not be used to gather information purely of a political nature or for other information gathering efforts that are not connected with a criminal investigation.

5. Under no circumstances must an informant be allowed access to restricted areas or investigators' work areas within a law enforcement agency.

6. All CIs must sign and abide by the provisions of the agency's CI agreement.

7. Any physical or mental illness that impairs the CI's ability to knowingly contract or otherwise protect the informant's self-interest must be taken into consideration before the CI signs the agreement.

8. The CI's overseeing agent must discuss each of the provisions of the agreement with the CI, with particular emphasis on the following:

a. CIs may voluntarily initiate deactivation, whereupon the protocols outlined in section E of this policy must be followed.

b. CIs are not law enforcement officers. They have no arrest powers, are not permitted to conduct searches and seizures, and may not carry a weapon while performing activities as a CI.

c. CIs found engaging in any illegal activity beyond what is authorized by the agency and conducted while under the supervision of an overseeing agent, will be subject to prosecution.

d. CIs are prohibited from engaging in actions or activities that could be deemed entrapment. The meaning of the term and implications of such actions must be explained to each CI.

e. CIs are prohibited from engaging in self-initiated information or intelligence gathering without agency direction and approval. The CI must not take any actions in furtherance of an investigation without receiving specific instruction(s) from the overseeing agent or agency.

f. Every reasonable effort will be taken to ensure the confidentiality of the CI but, upon judicial order, he or she may be required to testify in open court.

g. CIs may be directed to wear a listening and recording device.

h. CIs must be required to submit to a search before and after a controlled purchase.

i. CIs who participate in unplanned or unanticipated activities or meet with a subject(s) under investigation in a location outside of the jurisdictional boundary of the handling agency must promptly report that activity or meeting to their overseeing agents.

9. CI activity outside jurisdictional boundaries:

a. Investigators handling CIs who engage in operational activity in locations outside the jurisdictional boundaries of the agency must coordinate with counterparts in law enforcement agencies that have jurisdiction in that location where the CI will operate before any activity occurs, or in a timely manner after unanticipated activity occurs and is brought to the attention of the overseeing agent.

b. Any decision to defer or delay notice to or coordinate with an outside agency having jurisdiction in the area where a CI has or may operate must be documented, reviewed, and approved by the agency's chief executive or their designee.

10. Officers must take the utmost care to avoid conveying any confidential investigative information to a CI, such as the identity of other CIs, surveillance activities, or search warrants, other than what is necessary and appropriate for operational purposes.

11. No member of this agency must knowingly maintain a social relationship with a CI, or otherwise become personally involved with a CI beyond actions required in the performance of duty.

12. Members of this agency must not solicit, accept gratuities from, or engage in any private business transaction with a CI.

13. Meetings with a CI must be conducted in private with another officer or agent present and with at least one officer or agent of the same sex, except when not practical. The meeting location should minimize the potential for discovery of the informant's cooperation and provide sufficient space to complete necessary administrative duties. The meetings must be documented and subsequently entered into the individual's CI file.

14. Overseeing agents must develop and follow a communications strategy and plan with the CI that minimizes, to the greatest extent possible, the risk of discovery or compromise of the relationship between the agency and the CI. This plan should also aim to prevent the detection, compromise, or interception of communications between the overseeing agent and the CI.

15. Procedures must be instituted to assist CIs with concealing their identity and maintaining their safety. Care should be given not to expose CIs to unnecessary safety risks.

16. Preceding or following every buy or sale of controlled substances, overseeing agents must screen the CI for any personal safety or mental health concerns, risk of substance abuse, and/or potential relapse in any substance abuse recovery.

a. At the request of the CI, or if the overseeing agent deems it necessary, reasonable efforts should be taken to provide the CI with referral to substance abuse and/or mental health services.

b. Overseeing agents must document:

i. the screening,

ii. any referral to services provided to, or requested by, the CI, and

iii. any refusal by the CI to participate in the screening and/or any refusal by the CI to accept referral to services. Reasons for the CI's refusal must be documented, where applicable.

c. No part of this subsection supersedes MN Stat. 253B.05, sub.2.

17. Reasonable protective measures must be provided for a CI when any member of this agency knows or should have known of a risk or threat of harm to a person serving as a CI and the risk or threat of harm is a result of the informant's service to this agency.

18. Overseeing agents must:

a. evaluate and document the criminal history and propensity for violence of target offenders; and

b. to the extent allowed, provide this information to the CI if there is a reasonable risk or threat of harm to the CI as a result of the CI's interaction with the target offender.

19. Reasonable efforts and precautions must be made to help protect the identity of a CI during the time the person is acting as an informant.

20. Whenever possible, officers must corroborate information provided by a CI and document efforts to do so.

21. The name of a CI must not be included in an affidavit for a warrant unless judicial authority is obtained to seal the document from the public record or the CI is a subject of the investigation upon which the affidavit is based.

22. Overseeing agents are responsible for ensuring that information of potential value to other elements of the agency is provided promptly to authorized supervisory personnel and/or other law enforcement agencies as appropriate.

23. Individuals leaving employment with the agency have a continuing obligation to maintain as confidential the identity of any CI and the information he or she provided unless obligated to reveal such identity or information by law or court order.

E. Establishment of an Informant File System

An informant file system must be established as follows:

1. The agency chief executive must designate a file supervisor who must be responsible for developing and maintaining master CI files and an indexing system.

2. A file must be maintained on each CI deemed suitable by the agency.

3. An additional Unreliable Informant File must be established for CIs deemed unsuitable during initial suitability determinations or at a later time.

4. Each file must be coded with an assigned informant control number for identification within the indexing system and must include the following information, where applicable:

a. Name, aliases, and date of birth

b. Height, weight, hair color, eye color, race, sex, scars, tattoos, or other distinguishing features

c. Emergency contact information

d. Name of the officer initiating use of the informant and any subsequent overseeing agents

e. Photograph and criminal history record

f. Current home address and telephone number(s)

g. Residential addresses in the last five years

h. Current employer, position, address, and telephone number

i. Social media accounts

j. Marital status and number of children

k. Vehicles owned and their registration numbers

l. Places frequented m. Gang affiliations or other organizational

n. Briefs of information provided by the CI and the CI's subsequent reliability

o. Special skills and hobbies

p. Special areas of criminal expertise or knowledge

q. A copy of the signed informant agreement

5. CI files must be maintained in a separate and secured area.

6. The file supervisor must ensure that information concerning CIs is strictly controlled and distributed only to officers and other authorities who have a need and a right to such information.

7. CI File Review

a. Sworn personnel may review an individual's CI file only upon the approval of the agency's chief executive or their designee.

b. The requesting officer must submit a written request explaining the need for review. A copy of this request, with the officer's name, must be maintained in the individual's CI file.

c. Officers must not remove, copy, or disseminate information from the CI file.

d. CI files must be reviewed only in designated areas of the law enforcement facility and returned as soon as possible to their secure file location.

e. All disclosures or access to CI files must be recorded by the file supervisor, to include information such as the requesting officer or agency, the purpose of access or disclosure, the information conveyed, and the date and time of access or dissemination.

f. No portion of an individual's CI file must be entered into any other electronic or related database without controls sufficient to exclude access to all but authorized personnel with a need and a right to know.

F. Deactivation of Confidential Informants

A CI deactivation procedure must be established as follows:

1. The overseeing agent must complete a deactivation form that includes, at minimum, the following:

a. The name of the agency.

b. The name of the CI.

c. The control number of the CI, where applicable.

d. The date of deactivation.

e. The reason for deactivation.

f. A notification that contractual agreements regarding monetary re-numeration, criminal justice assistance, or other considerations, specified or not, are terminated.

g. A notification that the agency will provide and assist the CI with referral to health services for assistance with any substance abuse disorder and/or physical, mental, or emotional health concerns, as requested or accepted by the CI.

h. A signature by the CI or documentation indicating the reason(s) why the CI was unable or unwilling to sign the form.

i. A signature by the overseeing agent.

2. All reasonable efforts must be taken to maintain the safety and anonymity of the CI after deactivation.

G. Monetary Payments

Monetary payments must be managed as follows:

1. All monetary compensation paid to CIs must be commensurate with the value of the information or assistance provided to the agency.

2. All CI payments must be approved in advance by the officer in charge of confidential funds.

3. Officers must provide accounting of monies received and documentation for confidential funds expended. Any documentation of monies paid or received should not contain the true identity of the informant but should use the CI's control number.

4. Two officers must be present when making payments or providing funds to CIs.

5. The appropriate individual, as designated by the agency's chief executive, must ensure that the process for authorization, disbursement, and documentation of CI payments, as well as the accounting and reconciliation of confidential funds, is consistent with agency policy.

6. If a CI is authorized to work with another law enforcement or prosecutorial agency, financial payments must be coordinated between the agencies in a manner that is proportionate to the assistance rendered to each agency and consistent with provision 3-33-4 .F.1. of this policy.

7. Written records of receipts are retained, or justification for the exception is documented when a written receipt is not available.

BUFFALO POLICE DEPARTMENT
PROCEDURAL ORDERS

Effective: 01/25/2019	Reevaluation Date: MARCH 2024

3-34

3-34-1 PURPOSE

To provide a uniform guideline for all department personnel to use when operating a department vehicle pursuant to MN STAT 169.541.

3-34-2 POLICY

It is the policy of the Buffalo Police Department to provide a uniform guideline for all department personnel to use when operating a department vehicle without headlights, taillights or marine navigational lighting while functioning as a peace officer.

3-34-3 DEFINITIONS

For the purpose of this policy the following definitions apply:

A. Vehicle: means a motor vehicle or watercraft owned, leased or otherwise the property of the State of Minnesota or a political subdivision.

B. Lights: refers to headlights, taillights and marine navigational lighting as referenced in MN STAT 84.87, 84.928, 169.48 to 169.65 and 86B.511.

3-34-4 PROCEDURE

A peace officer may **not** operate a vehicle without lights contrary to MN STAT 169.541. **LIGHTING EXEMPTION FOR LAW ENFORCEMENT; STANDARDS.** under conditions of limited or reduced visibility as defined in MN STAT 84.87, 84.928, 169.48 to 169.65 and 86B.511:

- on an interstate highway.
- at speeds greater than what is reasonable and prudent under existing weather, road and traffic conditions.
- faster than the posted speed limit.
- in situations where the peace officer is an active participant in the pursuit of a motor vehicle in violation of MN STAT 609.487.